

## EXTENSIONS OF REMARKS

SENSE OF THE CONGRESS  
RESOLUTION

## HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. GEJDENSON. Mr. Speaker, today I am introducing a sense of the Congress resolution relating to the Oil Pollution Act of 1990. My resolution states that marinas should not be classified as offshore facilities for the purpose of guaranteeing financial responsibility under the act.

Section 1016 of the Oil Pollution Act requires offshore facilities which could pollute the navigable waters of the United States to demonstrate \$150 million in financial responsibility to cover the costs of comprehensive environmental restoration in the event of an oil spill. As my colleagues know, the act was passed in large part as a response to the Exxon Valdez spill which released 11 million gallons of crude oil into Prince William Sound in Alaska. This was the Nation's worst oil spill ever and its ramifications continue to be felt today in abnormally low fish harvests and ongoing legal battles between fishermen, residents, native groups, and Exxon. It is entirely appropriate to require that major corporations which transport and handle large quantities of heavy oil products to have \$150 million in financial backing to cover cleanups.

However, large multimillion dollar corporations are not the only ones which would have to comply with this section. The Minerals Management Service (MMS), which is writing the regulations to enforce section 1016, has so broadly defined offshore facilities that marinas coast to coast would be covered by this provision. Moreover, it would apply to marinas in any navigable waters of the United States. In an advanced notice of proposed rulemaking, the MMS would require marinas, which are overwhelmingly small businesses, to secure a letter of credit, self-insure, or obtain an insurance policy worth \$150 million. I think it goes without saying that this would place an unfair and unwarranted burden on marinas, and ultimately, on the boating public.

Congress didn't intend for this section to apply to marinas. Marinas do not pose the threat the Oil Pollution Act was passed to address. Marinas handle gasoline and diesel fuel only and fuel spills are infrequent. According to the Coast Guard, there were 64 fuel spills with a volume of 9,642 gallons nationwide in fiscal year 1993. Moreover, while I would rather spills never occurred, small fuel spills do not have the long-term negative environmental impacts of heavy oil spills. The bottom line is that our Nation's marinas do not pose an environmental threat warranting this level of coverage.

As I mentioned above, the vast majority of marinas are small, family-run businesses. Ac-

cording to the National Association of Marine Manufacturers (NAMM), 68 percent of marinas have fewer than 100 slips and 87 percent have fewer than 200 slips. These businesses do not have the capital to self-insure or secure letters of credit for \$150 million. Moreover, according to NAMM insurance policies for this amount are not available for this purpose. In fact, it appears that marinas would not be able to secure any of the forms of financial responsibility enumerated in the MMS proposal. If they are unable to comply with these regulations, they will be forced to discontinue fuel sales. This will adversely impact their businesses as well as millions of boaters who fuel their boats safely and conveniently where they dock their craft.

Mr. Speaker, my resolution would provide relief to marinas by expressing the sense of Congress that marinas should not be classified as offshore facilities. It is clear to most that they are onshore facilities and should be treated as such. By passing this resolution, Congress can send a clear signal to the MMS that marinas are not offshore facilities and they should not be covered by section 1016. This measure does not reopen the Oil Pollution Act and it will not undermine environmental protection. It will provide relief to many small businesses and ensure that millions of recreational boaters will have convenient and safe sites to fuel their boats. I urge my colleagues to support this resolution.

## TRIBUTE TO PERCY ALLEN II

## HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. TOWNS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a leader in my congressional district, Percy Allen II.

Mr. Allen and I share a deep interest in health care. Mr. Allen has made a career as a health care provider. It is a special honor to recognize this man because of his contributions to the greater Brooklyn community.

Percy Allen II was born on April 7, 1941. In 1973 he received a B.A. from Oakland University and later received his M.P.A. from Cornell University Graduate School of Business and the Sloan Program of Hospital and Health Services in 1975.

Since 1975 he has worked on the administrative staff of several hospitals. In 1975 after graduating, he worked as a senior assistant administrator at Parkview Memorial Hospital in Fort Wayne, IN. In 1982 he served as vice president for administration at Sinai Hospital of Detroit, in Detroit, MI. In 1987 he came to New York and accepted the position of assistant vice president of hospital operations at Harlem Hospital. Between 1987 and 1989 Mr.

Allen quickly moved up the administrative levels of the hospital. Currently he is employed as the vice president for hospital affairs and chief executive officer at the University Hospital of Brooklyn.

His résumé personifies service to the community and symbolizes he has worked hard to improve the health conditions of not only residents in my district, but residents throughout New York City. I rise today to honor Mr. Percy Allen's achievements as a health care administrator.

IN MEMORY OF THOSE WHO  
FOUGHT FOR FREEDOM

## HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. STARK. Mr. Speaker, I join my colleagues in honoring the memory of three courageous civil rights pioneers: Andrew Goodman, Mickey Schwerner, and James Chaney. These martyrs tried to register disenfranchised black Americans. By expanding our democracy, these three men brought to our Government the thoughts and ideas of people whose individual rights and liberties had been trampled for generations. The deaths of these crusaders serve as a vivid reminder of how poorly we treated a 10th of our people.

Andrew Goodman, James Chaney, and Mickey Schwerner worked to include in our Government people who had been ignored and set aside. By trying to unite our country they ran into those who wanted to discriminate and ended up paying the ultimate price. They should be remembered because their struggles and achievements are responsible for making our country more peaceful and democratic for everybody, not just black Americans.

TRIBUTE TO SUZANNA G.  
BRUGLER

## HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young woman from my district who has recently accepted her appointment as a member of the class of 1998 at the U.S. Naval Academy.

Suzanna Brugler graduated Defiance High School in 1993 after 4 years of outstanding academic achievement as well as extracurricular involvement. While in high school Suzanna distinguished herself as a leader among her peers. She was an honor roll student and captain of the swimming team. In addition, she was a member of the National

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Honor Society and the high school band. This past year, she has been attending the Perkiomen School in Pennsburg, PA.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future they might be entrusted with the very security of our Nation.

I am confident that Suzanna has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating her for her accomplishments to date and to wish her the very best as she begins her career in service to our country.

#### TRIBUTE TO ETHEL STEINBERG

#### HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to publicly acknowledge outstanding individuals of our Nation. I rise today to recognize one such individual, Ethel Steinberg, and to add my words to those of friends and colleagues who will be giving a testimonial in her honor on June 27, 1994.

In her years as a special education teacher and supervisor she was a leader in mainstreaming special education children so that they too could be prepared for the future. It is clear that she understands the value of investing in this country's most precious resource, our children.

We must never forget nor underestimate the contribution educators make to the lives of our children and to the health of our community. It is an honor to be given the opportunity to thank an individual who has dedicated her life to educating and fostering understanding and acceptance among our children. As she begins her retirement, I know that her time will be well spent with her husband, Sid, her children, Roy and Cindy, and her five grandchildren; but I also know that her presence in district 15 will be sorely missed.

I'm sure I speak on behalf of many members of the community who have either worked with Ethel, or have experienced the benefits of her hard work when I thank this remarkable individual.

#### SIGN DISCHARGE PETITION NO. 19

#### HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. EWING. Mr. Speaker, I want to bring to the attention of my colleagues a letter which many of them have received asking them to sign Discharge Petition No. 19.

The letter is signed by 57 small business trade associations representing hundreds of

thousands of small businesses in dozens of industries throughout the country. These associations, representing everything from roofers to florists to glassmakers, have come together because they all have one common interest. They are all affected by excessive Federal regulations written by Washington, DC, bureaucrats who do not have an adequate understanding of the small businesses they regulate.

Discharge Petition No. 19 would discharge an open rule for the consideration of H.R. 830, the Regulatory Flexibility Amendments Act of 1993. The Regulatory Flexibility Act (RFA) became law in 1980 and was designed to require Federal regulators to examine the potential impact of new regulations on small businesses and take steps to minimize that impact. However, because judicial review of the RFA was expressly prohibited, many Federal regulators view their compliance as voluntary and have virtually ignored the Act. H.R. 830 would put some "teeth" into the RFA by allowing judicial review and otherwise strengthening the Act.

Mr. Speaker, H.R. 830 has 252 bipartisan cosponsors, well over half the House. Both the ranking member and the chairman of the House Committee on Small Business have been steadfast supporters of H.R. 830.

Judicial review of the RFA is not only supported by a majority of the House and by small business groups, it is also strongly supported by Vice President GORE's National Performance Review (NPR). As part of their effort to make Government more responsive to its customers," the NPR studies how the RFA might make Federal regulations more responsive to the special circumstances of small businesses. After a great deal of study, the NPR concluded that judicial review was essential, and made this its No. 1 recommendation for the U.S. Small Business Administration.

Despite strong support from a majority of the House of Representatives, from Vice President GORE, and from virtually all small business organizations, this important legislation has been held hostage in subcommittee. While one hearing was held on the bill last fall, the chairman of the subcommittee with jurisdiction over H.R. 830 has refused to take any further action on the bill.

I urge my colleagues who have cosponsored H.R. 830 to demonstrate their continued support for this important regulatory reform legislation by signing Discharge Petition No. 19. Your small business constituents will thank you.

REG FLEX COALITION,  
JUNE 24, 1994.

DEAR REPRESENTATIVE: Because you are a cosponsor of H.R. 830, the Regulatory Flexibility Amendments Act of 1993, we are writing to ask that you sign Discharge Petition #19, which would discharge H. Res. 415, an open rule for the consideration of H.R. 830.

Small businesses and local governments have seen the level of federal regulation increase dramatically in recent years. While many federal regulations are meant to protect public health and safety, we believe that federal agencies have not taken adequate steps to find ways to minimize the impact of regulations on small businesses and governments. H.R. 830 can help solve this problem.

The Regulatory Flexibility Act (RFA) was designed to address the fact that regulations

disproportionately affect small businesses and small governmental entities. The RFA requires federal agencies to study the impact that regulations may have on small entities and find ways to minimize those effects. However, because the Act does not allow judicial review of agency compliance, most federal agencies have ignored the Act for the past fourteen years. H.R. 830 would give the RFA the "teeth" it needs by allowing judicial review.

Legislation to provide judicial review of the RFA is strongly supported by the small business community and small local governments, and we are pleased that over 250 House members have cosponsored H.R. 830. Federal regulatory agencies have ignored this important common-sense act for too long, and we believe the time to take action to strengthen the RFA is now.

Vice President Gore's National Performance Review (NPR) examined agency compliance with the RFA. After a careful study, the NPR concluded that judicial review of the RFA was necessary, and made this its number one recommendation for the Small Business Administration.

Throughout the fourteen years since the RFA became law, the House and Senate Small Business Committees have held oversight hearings on RFA implementation. Each of these hearings has led us to the conclusion that the only way to force regulatory agencies to start complying with this important law is to provide for judicial review.

You have already indicated your support for strengthening the RFA by cosponsoring H.R. 830. We ask that you continue support by signing Discharge Petition #19, so that this legislation may be debated and voted on by the full House.

Your small business and local government constituents will thank you for your support. If you have any questions, please contact Eric Nicoll in Representative Tom Ewing's office at 225-2371.

Sincerely,

Air Conditioning Contractors of America.  
American Association of Nurserymen.  
American Boiler Manufacturers Association.  
American Portland Cement Alliance.  
American Road & Transportation Builders Association.  
American Small Business Association.  
American Subcontractors Association.  
American Trucking Associations.  
Associated Builders and Contractors.  
Associated General Contractors of America.  
Associated Landscape Contractors of America.  
Associated Specialty Contractors.  
Automotive Parts & Accessories Association.  
Automotive Parts Rebuilders Association.  
Automotive Warehouse Distributors Association.  
Business Advertising Council, Inc.  
Council of Fleet Specialists.  
Florist's Transworld Delivery Association.  
Independent Business Association of Illinois.  
Independent Electrical Contractors, Inc.  
International Council of Shopping Centers.  
International Dairy Foods Association.  
Mason Contractors Association of America.  
Mechanical Contractors Association of America.  
National Aggregates Association.  
National Association for the Self-Employed.  
National Association of Manufacturers.



National Association of Plumbing, Heating and Cooling Contractors.

National Association of the Remodeling Industry.

National Association of Towns and Townships.

National Association of Wholesaler-Distributors.

National Electrical Contractors Association.

National Electrical Manufacturers Association.

National Federation of Independent Business.

National Glass Association.

National Insulation and Abatement Contractors Association.

National Pest Control Association.

National Ready Mixed Concrete Association.

National Restaurant Association.

National Roofing Contractors Association.

National Small Business United.

National Society of Public Accountants.

National Stone Association.

National Tooling and Machining Association.

National Utility Contractors Association.

Northeast Texas Nursery Growers.

Painting and Decorating Contractors of America.

Professional Lawn Care Association of America.

Resilient Floor Covering Institute.

Sheet Metal & Air Conditioning Contractors' National Association.

Small Business Exporters Association.

Small Business Legislative Council.

Society of American Florists.

Texas Association of Nurserymen.

The Refractories Institute.

The Society of the Plastics Industry, Inc.

U.S. Chamber of Commerce.

#### TRIBUTE TO JEFFERYSON ALEXANDER BARNES

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. TOWNS. Mr. Speaker, "Jeff" Barnes was born on November 11, 1945, in Kingston, Jamaica. He attended Kingston College and began his broadcasting career at the Jamaica Broadcasting Corp. [JBC] in 1964. He was recognized nationally in 1965 as a television and radio broadcaster. In 1964 and 1965 he was the national champion in the Jamaica festival speech competition. He later worked at Radio Jamaica until 1967 when he returned to the JBC and became a nationally recognized radio and television broadcaster.

In 1971 Jeff came to the United States and attended Pace University; however, he changed his major and matriculated at New York Institute of Technology. In 1976 he received a bachelor of fine arts.

Jeff quickly found his way back into broadcast communications and in 1972 he became an air personality on WWRL radio in Queens. In 1981 Jeff worked briefly at WHBI which is now WNWK. Later in 1981 he accepted his current position at WLBI. Mr. Barnes has a community-oriented program called "Positive Personality" and is known throughout New York City as a popular air-personality.

Mr. Barnes has been able to balance a career in law and in communications. He at-

tended Brooklyn Law School and graduated in 1982 receiving a doctor of jurisprudence [J.D.]. In addition to working on the radio show he also has a law practice in the Bronx.

Mr. Barnes is married to Ethel McQueen and they have two sons. I rise to honor Mr. Jefferyson Alexander Barnes for his shining example as a pillar in the Brooklyn community.

#### WELCOMING PARTICIPANTS OF THE ULSTER PROJECT TO AR- LINGTON, TX

#### HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. FROST. Mr. Speaker, I would like to acknowledge the Ulster Project, a most admirable program established to foster peace and understanding in a land where peace and understanding are so desperately needed.

The Ulster Project brings teenagers from Northern Ireland to the United States for 1 month in order to promote harmony and mutual cooperation. The group is composed of teenagers of both the Catholic and Protestant faiths. Each Irish teenager is placed with a host American family in which a teenager with similar interests resides. The hope is that while here, the teenagers will observe the peaceful interaction of American teenagers of different faiths. They can then take those positive experiences back to Ireland when they return.

Living in Arlington, TX, this summer are the following teenagers, listed with their hometowns: Michael Brendan Bell, Bangor; Seana Boyle, Bangor; Colin Braniff, Newtonards, Elaine Caghey, Newtonards; Elizabeth Carford, Newtonards; Alastair Lindsey Demick, Newtonabbey; Andrew Kerr, Glengormley; George Kidd, Newtonabbey; Darragh Lewis, Carryduff; Janine Lytle, Templepatrick; Robert McElhinney, Newtonabbey; Siobhan Claire McElory, Holywood; Paul Milne, Ballygowan; Naomi Reid, Glengormley; Linsey Anne Robinson, Belfast; and Hilary Roberta Smyal, Glengormley. Mary Gallagher and Martin McKenna, both of Belfast, are the counselors accompanying the teenagers on this trip.

Again, I commend this project as a sincere effort to bring about a peaceful solution to a violent problem that has lasted much too long. The progress that Ulster has made, and will continue to make, is an encouraging example of the positive changes people can make when they learn the importance of working with, rather than against, one another.

#### CONGRATULATING LAWRENCE PENDON, GUAM'S ART CONTEST WINNER

#### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. UNDERWOOD. Mr. Speaker, as you and many of our colleagues may have already

noticed, the subway to the Capitol has been given new life due to the displays generated by this year's art competition. Already in its 13th year, the Congressional Arts Caucus, as always, yielded some of the best work produced by the youth of America. Through this collection of artworks, we gain insights regarding our youth's abilities, perceptions, and aspirations. We must also bear in mind that through these subtle hints given by our youth—our Nation's lifeblood—we could foresee the path that our country's destiny will take in the future. I am glad to say that, after examining this year's artworks, we see a bright and optimistic picture.

Guam's entry this year was submitted by Lawrence Pendon. Soon to be entering his senior year, Lawrence hopes to receive a scholarship and major in art at the Los Angeles University of Arts and Crafts. Encouraged by his teacher to join the competition, Guam's budding artist emphasized the theme of "Progress through Education" in his painting. His collection of figures shows the educational process from the very basics interwoven with island culture. The obvious results: beauty, harmony, success, and happiness.

I would like to congratulate Lawrence, his mother, Rose Pendon, his art teacher, Mrs. Zucker, and all of America's young artists for their commendable efforts, brilliant imagination, and admirable skills. I would also like to urge them to keep up the good work knowing that this Nation expects nothing less of them.

#### IN HONOR OF MEGAN M. MOORE

#### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. STARK. Mr. Speaker, today I would like to take a few minutes to recognize Miss Megan Moore's outstanding academic accomplishments, culminating in her selection as 1 of the 120 presidential scholars for 1994.

Through the years, Megan has distinguished herself as an stellar student and committed community volunteer. Her academic activities have ranged from attending the 1993 Research Science Institute at MIT, where she wrote a treatise on the population dynamics of topologically distributed systems, to cultural exchanges in Japan and France. Megan has been recognized with scholarships among various departments of her high school in areas such as social studies and science. In 1993, she was accepted to UC Berkeley's Accelerated High School Student Program and was a finalist in the Telluride Association Summer Program.

Her talents also include the field of music, where she has established herself as a principal cellist in the Youth Orchestra of Southern Alameda County and as a student at the San Francisco Conservatory of Music.

She also has a gift for sports. She has set records within her swimming league for the 50-yard breaststroke, 50-yard backstroke, and 100-yard individual medley. She has excelled in cross-country running, competing in regional and State championships.

Megan has worked equally hard to give back to her community. In the summer of

1991, she served as a volunteer at a local public library; from 1991 to 1992 she served in a local animal shelter, and during 1992-93 she volunteered at Kaiser Hospital in Walnut Creek, CA in the maternity and emergency room departments.

On July 1, 1994, Megan will be honored at an afternoon ceremony for the presidential scholars and their teachers at the White House, during which President Clinton will present her and her colleagues with medals signifying their accomplishments. I would like to join with those who have recognized Megan for her lifelong commitment academic study and community service and her outstanding abilities as artist and athlete.

Megan will be attending Williams College this fall and will be missed by all of her friends and advisers that she leaves behind. I wish her much happiness and success in all of her future endeavors.

#### A TRIBUTE TO JIM GANULIN

##### HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. DOOLEY. Mr. Speaker, I rise today to recognize and honor Jim Ganulin, a personal friend of mine and a man whose efforts have been crucial in making the San Joaquin Valley the most fertile agricultural land on Earth. Jim is retiring July 14 after 28 years of service to the Westlands Water District.

For the past 17 years, Jim has been general counsel to Westlands, and has also served as assistant general manager to the district, a district which about equals the State of Rhode Island in area.

Jim joined Westlands when it was still in its formative stages and helped build it into one of the largest water-delivery systems in the world.

He was a key participant in the negotiations that led to the Reclamation Reform Act of 1982 and the subsequent development of acreage limitation rules and regulations, and has since participated in a number of legislative activities, including most recently, negotiations for the Central Valley project Improvement Act of 1992.

Jim has ably represented Westlands in numerous contractual and legal negotiations with the United States. His most memorable case was, perhaps, the Barcellos case, which resulted in the reaffirmation of Westlands' contract with the United States.

He has also served the district by serving on the board of directors of the Association of California Water Agencies and on the resolution committee of the National Water Resources Association.

He served his country ably, retiring as a lieutenant colonel in the Air National Guard after 20 years of service.

He has also served his community as a member of the board of directors of St. Agnes Hospital in Fresno, CA, and as a member of the Fresno Rotary.

Jim Ganulin has spent the past 28 years earning our respect in his work. He is equally deserving of our respect in his retirement. Mr.

Speaker, please join me and my colleagues in recognizing Jim Ganulin.

#### TRIBUTE TO CHAD L. LAUBENTHAL

##### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the Class of 1998 at the U.S. Air Force Academy.

Chad L. Laubenthal graduated Ottawa-Glandorf High School after 4 years of outstanding academic achievement as well as extracurricular involvement. While in high school Chad distinguished himself as a leader among his peers. This past year, he has been attending the New Mexico Military Institute in Roswell, NM.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future they might be entrusted with the very security of our Nation.

I am confident that Chad has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the very best as he begins his career in service to our country.

#### TRIBUTE TO RICHARD B. WAIT

##### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. TOWNS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a leader in my congressional district, Dr. Richard B. Wait.

Dr. Wait was raised in Montclair, NJ. He went to St. Lawrence University in Canton, NY, and received his B.S. After receiving his undergraduate degree he went to the University of Vermont for 12 years and earned his M.D. and Ph.D. While in Vermont, Dr. Wait completed his surgical training at the Medical Center Hospital of Vermont.

In 1983, Dr. Wait came to Brooklyn as an attending surgeon at Kings County Hospital Center and assistant professor of surgery at the State University of New York Health Science Center at Brooklyn. Within a few years he moved up to active director of surgical research, chief of surgical oncology and associate residency program director. He was named professor of surgery at SUNY Health Science Center as well as chief of surgery at King's County Hospital.

Throughout the years Dr. Wait has been the recipient of several research grants from the

National Institutes of Health. Dr. Wait has authored scientific articles in the leading medical journals, in addition, his work is included in various book chapters.

Currently, he is the president of the Brooklyn Surgical Society and the University Physicians of Brooklyn. In addition, Dr. Wait has received his certification from the Fellow of the Americans College of Surgeons.

Dr. Wait and his wife Mary have been married for 22 years and have three children. I would like to acknowledge the significant medical contributions of Dr. Richard B. Wait to the Brooklyn community.

#### TRIBUTE TO RICHARD GLOVSKY

##### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. FRANK of Massachusetts. Mr. Speaker, in the February/March issue of Frontline, the newsletter of the Anti-Defamation League, a profile appeared describing the extraordinary work that Richard Glovsky has done on behalf of the principles of an America in which all of us are judged on our merits, and which prejudice of various sorts does not poison our lives. Dick Glovsky, as the article demonstrates, has had a long career in a fairly short time on behalf of a variety of good causes. As the immediate past chairman of the New England Regional Board of the ADL, Dick Glovsky was an exemplar of a citizen who fights to protect the rights of his own group, not by diminishing the rights of others but by respecting and helping enlarge them as well. Richard Glovsky used his legal talents and other skills in the fight against antisemitism while he was simultaneously engaged in defending the rights and liberties of others, and in particular in helping preserve strong ties between the Jewish and African-American communities in New England. I have been privileged to enjoy the friendship, advice and counsel of Dick and his wife Nancy Korman for many years, and I want to share this article with my colleagues to emphasize the continued importance of dedicated volunteers like Richard Glovsky, and to show that those who argue that religious and ethnic groups can only protect themselves at the expense of others are completely wrong. We all complain that the news is dominated by the negative. I am delighted to counteract that trend by sharing with my colleagues a very important example of the positive in intergroup relations.

#### RICHARD GLOVSKY: A MAN WHO LEARNED TO APPRECIATE BEING DIFFERENT

Richard Glovsky, the immediate past chairman of the ADL New England Regional board, traces his lifelong commitment to civil rights to an early childhood illness that left him with a hearing deficit. "It was horrible," he said, recalling the unmerciful teasing of his classmates when a hearing test revealed that he was deaf in one ear. As a result, he bonded with other children with disabilities. His best friend in those years was a retarded child and he observed how cruelly his friend was treated by other children. "My disability paled in comparison with his," he said. As he grew older, Dick said, he formed



friendships with African-Americans and saw connections between their experiences with discrimination and the unfair treatment people with disabilities encountered.

What else could he do but become a lawyer and specialize in civil rights? He is a graduate of Dartmouth College and Boston College Law School where he was an editor of the Law Review.

Dick Glovsky began his legal career with the U.S. Justice Department where he worked under now Supreme Court Justice Antonin Scalia. While in the Justice Department, he co-authored a comprehensive treatise on the impeachment of President Nixon and handled hundreds of cases on a wide variety of issues facing the U.S. government.

He was named chief of the Civil Division of the U.S. Attorney's office in Boston in 1978, a post he held for two years before entering private practice. He is very proud of the fact that he initiated the first affirmative civil rights litigation by the Federal government in Massachusetts, a case regarding housing discrimination. In 1983, he founded Glovsky & Associates, a law firm specializing in Federal and state civil rights matters, which has handled numerous precedent-setting civil rights cases.

His involvement with ADL began in the 1980's when he was chairman of the Newton, Massachusetts, Human Rights Commission. He worked on special projects with ADL professionals in Boston and in 1985 was asked to join the New England Regional Board. Prior to being named chairman in 1991, he served as vice chairman, treasurer and chair of the Public Affairs Committee. He is also a ADL National Commissioner and member of the National Executive Committee.

"It is not until you have the responsibility of being chairman," he said, "that you can appreciate how important the position is and how much it can be used to make the world better."

Deeply disturbed by the outbreaks of anti-Semitism and bigotry in this country and overseas, he says, "I'm not surprised easily but I have been startled by the number of incidents and the extent to which hatred and misunderstanding exist. You can go along thinking you've made progress with certain groups, and then there will be a serious incident that is devastating."

Being involved in Jewish communal activities is a Glovsky family tradition. Dick's grandfather—the first Jewish lawyer to practice on Boston's North Shore—was a B'nai B'rith officer and his father also was active.

Although his work with ADL has been his first priority, he is deeply involved with numerous other organizations. He is president of the Dartmouth College class of '69, which this year convenes its 25th anniversary reunion. He is finance chair for Attorney General L. Scott Harshbarger; a founder of The Wellness Community, a retreat for cancer patients established at the behest of the late comedienne Gilda Radner; an originator of For Love and Life, a wish organization for AIDS patients; and chairman of the Thomas J. Drinan Fellowship, an intern program for young attorneys.

His good works earned him the Hecht-Shaw Award from the Lena Park Community Development Center in 1992.

Dick and his wife, Nancy Korman, are the parents of four children.

## HONORING "TOMB OF THE UNKNOWN SOLDIER" ESSAY CONTEST WINNERS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. GILMAN. Mr. Speaker, it is with great pleasure that I rise today to honor four outstanding students from Crispell Middle School in my district who were the winners of the "Tomb of an Unknown Soldier" essay contest. The contest asked the eighth graders why they would want to lay a wreath at the Tomb of the Unknown Soldier on behalf of the school. Although all of the essays received for the contest were excellent, the essays of Julie Nickerson, Harry Steinhilber, Robin Meade, and John Tobin were truly superb.

Mr. Speaker, I include the full text of the essays at this point in the CONGRESSIONAL RECORD as a tribute to these Crispell Middle School students:

Just going to Washington, DC, as an eighth grader is wonderful. Now the Crispell Middle School is allowed to lay a wreath on the Tomb of the Unknown Soldier. Now that is an honor!

Laying this wreath isn't just something anyone should do. It should be one who wants it for the right reasons. I wouldn't be laying this wreath for me it would be for all the families and friends that don't have any idea whether their grandparents, parents, siblings, spouses, or children are dead. It would be in dedication to the people that weren't getting the respect that they deserved until now. I know that if a member of my family or one of my friends went off to war and I never saw or heard from them again not one day would go by without thinking where and how they had died or if they are still living and being held prisoner.

Every day I make a decision about what I'm going to wear or how I'm going to do my hair, then when I sit and think about all the people who died to give me the freedom to make those choices myself and I can't give them the credit they deserve.

Then I stopped and asked myself why I feel it would be such an honor to place the wreath on the Tomb of the Unknown Soldier. So I thought about my father going off to war and I felt a hand around my heart. Then I imagined receiving news that he was missing in action and that hand around my heart started squeezing. Next my family and I received news his body was not recovered and possibly never will be. That hand was like a vise grip around my heart, squeezing so hard I could hardly breathe. I watched the sadness and despair encircling my family but there was always a glimmer of hope. Perhaps they were wrong. Maybe my father was not dead, perhaps he would walk through that kitchen door and pick me up and toss me in the air like he used to.

I imagine now that many years have passed and I have a family of my own. A son old enough to join the army. My father never walked through that door, never tossed me in the air, and his body was never returned to us. That hand is still around my heart not squeezing as hard or as tight, but still there.

So after my fantasy, I decided it's not only an honor for me to place the wreath, but an honor to all those soldiers, parents, grandparents, children, siblings, and spouses, who lived and suffered through the reality of my fantasy.

From this day on when I'm deciding what to wear and how to do my hair, I will also think about all the soldiers of the unknown tomb and their families and say a prayer.—By Julie Nickerson.

We live at a time when our men and women in the Armed Forces serve over seas and fight for freedoms that we hold dear to our heart.

Television brings the fighting into our living room and it becomes as common place as Nintendo. Unfortunately these are real men and women putting their lives on the line, not just for people at home to remain free but for the oppressed people of the world.

Many people die in war and are honored for their heroism.

In today's technology my generation tends to lose sight of history. Television shows it all, war becomes just another day.

I would like the honor of representing my school and place the wreath at the Tomb of the Unknown Soldiers. These Soldiers gave the great sacrifice, dying for their country. Unfortunately their names were lost. By placing a wreath on this tomb not only do we honor these great men, but all who died serving their country valiantly and those who continue to do so today.

In closing I would like to say, in placing this wreath, I feel it will help bring the reality of freedom and the importance of peace back into the foreground not only for myself but for my fellow students.—By Harry Steinhilber.

To place a wreath on the tomb of the unknown soldier in Arlington National Cemetery, in Arlington Virginia would be a great honor for anyone. The tomb, a simple structure made of white marble is engraved with the not so simple phrase, "Here rests in honored glory an American soldier known only to God."

The soldiers who were buried in the tomb are buried there for more of a reason than the fact that they were not able to be identified. They are buried there as representatives of all the people who lost their life fighting for our country. My first thought about the soldiers was they were just that, soldiers who gave their all for us, but when I thought about it longer the reality came to me. These people were more than soldiers, they were fathers, brothers, husbands, uncles, neighbors, and in some unusual cases mothers, and sisters. They were people who gave their own life to make better ones for others. I feel in giving a wreath in honor of them is like saying thank you for allowing me to be free, for allowing me to have friends of any color or race, and most all thank you for allowing me to be alive.

This is why it is so important to me to be chosen to have the great honor of placing the wreath on the tomb of the unknown soldier.—By Robin Meade.

One of the reasons I would like to bring the wreath up to the Tomb of the Unknown Soldiers is because it would be such an honor to represent my school in our nation's capitol.

I would feel like I was doing something for my country; I would have the honor to do something that our country's President does.

Another reason I would feel honored is because I have had grandfathers in WW II, uncles in Korea and my father was in Vietnam.

Ever since November 11, 1921, that monument has been there for all the soldiers in our country's wars who were never identified or found, somewhere their families can go to mourn in memory of their loved ones that were never brought back from fighting for their country.

Those are the reasons why I would like to bring the wreath from our school to the

Tomb of the Unknown Soldiers.—By John Tobin.

# A BILL TO AMEND THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce a bill to amend the Alaska Native Claims Settlement Act of 1971 at the request of Cook Inlet Region Incorporated [CIRI].

Congress enacted the Alaska Native Claims Settlement Act [ANCSA] in 1971 to address claims to lands in Alaska by its Eskimo, Indian, and Aleut Native people. Lands and other benefits transferred to Alaska Natives under the act were conveyed to corporations formed under the act. Alaska Natives enrolled to these corporations were issued shares in the corporation. Cook Inlet Region, Inc. [CIRI] is one of the corporations formed under ANCSA and has approximately 6,262 Alaska Natives enrolled, each of whom were issued 100 shares of stock in CIRI, as required under ANCSA.

ANCSA stock, unlike most corporate stock, can not be sold, transferred, or pledged by the owners of the shares. Rather, transfers can only happen through inheritance, or in limited cases by court decree. The ANCSA provisions restricting the sale of stock were put in place to protect Native shareholders from knowledgeable or unscrupulous transactions, and to allow the corporation to grow and mature in order to provide long lasting benefits to its shareholders.

The drafters of ANCSA initially believed that a period of 20 years would be sufficient amount of time for the restrictions on sale to remain in place. Therefore, the restrictions were to expire 20 years after passage of ANCSA on December 31, 1991.

As 1991 approached, bringing with it the impending change in the alienability of Native stock. The Alaska Native community grew concerned about the effect of the potential sale of Native stock. The Alaska Federation of Natives, a statewide organization representing the State's 90,000 Natives, spearheaded a legislative initiative to address the 1991 stock sale issue. Many of the Native corporations, including CIRI, actively solicited their shareholders' views on this critical matter, through meetings, questionnaires, polling, and formal votes. In 1987, 3 years prior to the 1991 restriction-lifting date, Congress enacted legislation which reformed the mechanism governing stock sale restrictions in a fundamental way. Under the 1987 amendments, instead of expiring automatically in 1991, the restrictions on alienability continue automatically unless and until the shareholders of a Native corporation vote to remove them. The 1987 amendments provided several procedural mechanisms to bring such a vote, including action by the board of directors and petitions by shareholders.

To date, no Native corporation has sought to lift the alienability restrictions. Fundamen-

## EXTENSIONS OF REMARKS

tally, this is because Native shareholders continue to value Native ownership of the corporations and Native control of the lands and other assets held by them.

CIRI has conducted a number of continuing surveys, focus groups, and special shareholder meetings to ascertain the views of its shareholders regarding the alienation restrictions on CIRI stock. Two results have consistently stood out in these assessments.

First, the majority of CIRI shareholders favor maintaining Native ownership and control of CIRI. These shareholders, whose numbers consistently register at the 70- to 80-percent level, see economic benefits in the continuation of Native ownership, and also value the important cultural goals, values, and activities of their ANCSA corporation.

Second, a significant percentage, albeit a minority of shareholders, favor accessing some, or all, of the value of their CIRI stock through sale of that stock. These shareholders include, but, are not limited to elderly shareholders who have real current needs, yet doubt that sale of stock will be available to them in their lifetime; holders of small, fractional shares received through one or more cycles of inheritance; non-Natives who have acquired stock through inheritance but without attendant voting privileges; and shareholders who have few ties to the corporation or to Alaska, 25 percent of CIRI shareholders live outside of Alaska.

Under current law, these two legitimate but conflicting concerns cannot be addressed, because lifting restriction on the sale of stock is an all or nothing proposition. In order to allow the minority of shareholders to exercise their desire to sell some or all of their stock, the majority of shareholders would have to sacrifice their important desire to maintain Native control and ownership to CIRI.

CIRI believes this conflict will eventually leave the interests of the majority of its shareholders vulnerable to political instability. In addition, CIRI recognizes that responding to the desire of those shareholders who wish to sell CIRI stock is a legitimate corporate responsibility. More importantly, CIRI believes that there is a way to address the needs and desires of both groups of shareholders, those who wish to sell stock and those who desire to maintain Native ownership of CIRI, so that the sale of stock will not compromise the "nativeness" of the company, and will not jeopardize the economic future of the company for those who choose not to sell. The method embodied in the proposed legislation is one that other companies routinely use: the buying back its own stock. The newly acquired stock would then be canceled.

Mr. Speaker, I have discussed this bill at length with CIRI and am convinced this bill is the best and only option available for their shareholders to voluntarily sell their stock back to CIRI. I plan to distribute this legislation to the Department of the Interior, the State of Alaska, and all other Alaska regional corporations for official comments and to begin the process of reviewing the bill. I welcome all input with regard to this legislation.

*June 28, 1994*

## THE GREAT CIRCUS FIRE

**HON. BARBARA B. KENNELLY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mrs. KENNELLY. Mr. Speaker, 50 years ago, as the United States was immersed in war, the people of Hartford, CT, and surrounding towns looked forward to an opportunity to temporarily escape. The Ringling Brothers and Barnum & Bailey Circus was in town, with its clowns and animals and laughter and fun. And so, on July 6, 1944, almost 10,000 people crowded under the largest canvas tent in the world seeking a few hours of fun.

The show began flawlessly; first clowns and then trained lions and leopards thrilled the audience. But the day's joy was to be short-lived. As the highwire performers took their places, a spectator noticed a small flame burning a piece of the tent. A circus employee desperately tried to douse the fire with a bucket of water, but the effort failed. Before anyone could prevent it the flame shot up, fanned by the wind and buoyed by gasoline from a mixture that had been used to waterproof the tent. The circus band attempted to maintain calm by striking up "Stars and Stripes Forever." But many in the crowd panicked, as people rushed in all directions, frantically seeking a path to safety.

Witnesses later recounted stories of heat so great as to fuse coins, of people falling and being trampled, of terrible human tragedy. One mother emerged from the tent screaming for a child only to find that the child had reentered the inferno to search for her. She returned to the blaze and died.

Numerous heroes prevented the fire's toll from being even more brutal. A 13-year-old boy created a makeshift exit by slashing through the canvas. A man lifted his own child to safety and then remained in the tent to help others until he, himself, was overcome. Efforts by these and other brave souls saved many lives.

But the final count of the day's losses was nonetheless dreadful. The fire had taken only 10 minutes to reduce the entire tent to ashes, and after firefighters had doused the last embers, the bodies of 168 circus-goers were discovered, 1,200 others were injured.

Children comprised a disproportionate share of the casualties, including one young girl who, despite not being badly scarred by the fire, was not identified in the confusion of the following days. Her grave was marked only by her morgue number, and she became "Little Miss 1565." A picture of her quiet composure in death served as a haunting reminder of the terrible fire. So tragic was her fate that two policemen who were on duty in the morgue the night of July 6 kept her picture with them and several times a year placed flowers on her grave. So compelling was the case that even 40 years later a man not yet born when she died, fire investigator Rick Davey, was willing to spend years searching for her identity. In 1991, thanks to his efforts, she was identified as Miss Eleanor Cook.

Today, as we remember the fire of 1944, let us remember the strength of the community, the tireless efforts of firefighters, hospitals, and



volunteers who helped pull the Hartford area through such a terrible tragedy. Let us remember young Eleanor Cook and all the victims of the fire.

But let us also recognize the progress which has been made in the past 50 years toward improving fire safety and community preparedness. The fire safety laws which have been enacted in Connecticut and throughout the country have been inspired in no small measure by the tragedy in Hartford.

And let us recognize the brave men and women who lay their lives on the line every day as they fight fires in Hartford and across the Nation. We owe them a debt of gratitude which can never be repaid.

The Great Circus Fire of 1944 was a tragedy. Let us work to ensure it is not repeated.

#### TRIBUTE TO MR. CHARLES A. "CHUCK" STERLING

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. TOWNS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Charles A. "Chuck" Sterling.

His success in life started early. Graduating with honors from Lake Forest College, he went on to play with the Chicago Cardinals professional football organization. After his playing days ended, Mr. Sterling went back to his studies and pursued a post-graduate degree in business, marketing, and advertising at Northwestern University.

He held positions in these areas for several corporate firms including Helene Curtis Industries and Johnson Publications. His biggest achievement in his professional career came as the founder of Saratoga Geyser Mineral and New York State Seal Water, two of the top successful bottled waters in the world. At that time, Mr. Sterling was the only African-American owner of a bottled water company.

Even with all of this success, Mr. Sterling has never turned his back on his community, especially the needy. Presently, he uses his talents and expertise as an advocate for the development of the Oceanhill, Bushwick, Bedford-Stuyvesant areas as chairman of the local development corporation [OBUSTY]. He is responsible for the commercial revitalization effort on the East Broadway commercial corridor.

His efforts toward community improvement can be seen in such projects as the reopening of the Saratoga Branch Library, the Bushwick Shadow Internship Program for school district 32, and the Mt. Paran/OBUSTY Share Food Program.

He also serves as the pro-bono executive director for the East Broadway Merchants Association, a board member and former chairman of the Bushwick Resource Coalition, and an adviser of several community-based organizations.

Among his numerous awards and recognitions, Mr. Sterling has been listed in "Who's Who Among Black Americans" and in the "Two Thousand Men of Achievement."

I hope my fellow colleagues will join me in paying tribute to Mr. Charles A. Sterling for excellence in entrepreneurial spirit, and in service to his community.

#### WALL STREET JOURNAL ARTICLE "ADVANTAGES OF EMPLOYER HEALTH PLANS ARE DISAPPEAR- ING"

#### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. STARK. Mr. Speaker, Members' offices are getting lots of mail urging that companies of any size continue to be allowed to self-insure the health of their workers.

There is another side to company managed self-insured health plans. The following article from the June 17, 1994 Wall Street Journal spells it out.

#### ADVANTAGES OF EMPLOYER HEALTH PLANS ARE DISAPPEARING

(By Ellen E. Schultz)

Employees who have health coverage in the workplace usually consider themselves more fortunate than people who have to buy individual coverage on their own.

After all, they believe, group coverage is always cheaper, and they are automatically covered, regardless of their health problems. Right?

Not necessarily.

What few employees realize is that the difference between individual coverage and employer-provided group coverage has eroded profoundly during the past few years. Not only have most of the advantages of group coverage largely disappeared, but many employees risk losing not only their coverage, but their jobs. In the past, all a person had to do to join an employer's health plan was to fill out a form. All employees were in the same "pool," and all paid the same costs, regardless of health.

But as medical costs have climbed, employers have begun abandoning their own version of universal coverage (for their employees) and started adopting the same practices used by insurance companies when people apply for individual policies.

#### IDENTIFYING HEALTH RISKS

Like health insurers, more and more employers are engaging in "underwriting," which is the process of identifying the current and potential health risks of their employees. This usually involves requiring employees to take blood, drug, and urine tests, and a physical exam. In many cases, individuals are required to provide information about a family history of such things as heart disease, cancer and genetic disorders.

Many employers also ask about off-duty behavior, such as whether the employee rides a motorcycle, wears a seatbelt, participates in sports, has a happy marriage or gets enough sleep.

The employers use this information the same way insurers do: to exclude pre-existing conditions, to deny coverage or to charge higher premiums.

"Insurance companies for years have identified risks and charged more for them. The practice is just now finding its way to employers' group-health plans," says Kenneth Sperling, health-care consultant for Hewitt Associates, in Rowayton, Conn.

#### SAVING MONEY

And no wonder. Underwriting by private employers is saving the companies billions of dollars by reducing claims. Those that buy coverage from insurance carriers pay lower premiums if they have fewer claims. Meanwhile, if the employer is self-insured, as are about 75% of large employers, each dollar saved is a dollar earned. And self-insured or not, all but the smallest employers must pay workers compensation premiums, which are lower if injuries are fewer.

A survey of 461,208 employees at private companies shows that 31% of employees had no medical claims, and another 50% had claims of less than \$1,000. Another 14% of employees had claims ranging from \$1,000 to \$5,000.

The survey was conducted at the request of The Wall Street Journal by Medstat Systems, a medical-information firm in Ann Arbor, Mich. The survey was of a random sample of claims filed in 1991 by employees and dependents at self-insured companies in Medstat's proprietary database of more than 100 of the largest U.S. employers. Of the 461,208 employees, only 32 had big-ticket claims greater than \$300,000.

"It's no secret that private employers 'cherry pick' healthier individuals using underwriting practices," says Arthur Caplan, director of the Center for Bioethics at the University of Pennsylvania.

#### REQUIRING MORE INFORMATION

One way that employers are able to keep claims so low is that they can be more aggressive than health insurers in their underwriting practices. "The private sector can weed out claimants in the underwriting process with more impunity than any other provider of health insurance," says Dr. Caplan.

For one thing, they can force employees to provide far more information about their health and personal lives—as a condition of employment.

ConAgra Poultry Co. in Longmont, Colo., requires employees of the ConAgra Inc. unit to tell it what prescription and over-the-counter medications they are taking and to sign releases giving the company complete access to their medical records.

When benefits clerk Carmella Mares refused, she was fired. A spokesman for ConAgra says the company needed the information to ensure the accuracy of its drug testing and has no further comment.

Mrs. Mares, who as a Navy reservist is often randomly tested for drugs, says she was willing to take a drug test. But she thought the company was going too far, and sued. Says the former nun: "It's the principle of the thing." However, in late 1992, a federal appeals court in Denver ruled that employers can require employees to provide medical information.

"What makes this case extremely troubling is it's the first time the courts have upheld the employer's demand that an employee reveal the nature of their private illnesses," says Gilbert Roman, a lawyer in Denver with the American Civil Liberties Union. "It sets a dangerous precedent—that any employee can be fired if they refuse to turn over their medical records."

#### POWER TO HIRE, FIRE

In addition to compelling employees to provide more health information, employers can be more aggressive than insurers when it comes to shaping their "risk pools" because they have the power to hire and fire.

For example, Lockheed Aeronautical Systems Co., a subsidiary of Lockheed Corp. in Marietta, Ga., recently announced it

wouldn't hire smokers. Turner Broadcasting System Inc. in Atlanta hasn't hired smokers since 1986.

Thirty percent of occupational physicians who responded to a survey by the University of Chicago's hypertension clinic said their companies wouldn't hire someone with high blood pressure. "I was surprised by the ubiquity of the responses and the arbitrary nature of how it was used," says Dr. Michael B. Murphy, a professor of clinical pharmacology, now at University College in Cork, Ireland, who conducted the survey.

The findings are similar to a report by the U.S. Congress Office of Technology Assessment in 1991, in which 42% of the companies surveyed considered a job applicant's health-insurance risks as factors in determining their employability. Further, more than half of the personnel executives interviewed considered it acceptable to use pre-employment health exams to identify applicants who might be medically expensive.

It also is routine for employers to screen job applicants to see if they have had workplace injuries. Sixty-four percent of employers surveyed by benefits consulting firm Tillinghast Inc. said they use pre-employment screening of workers' compensation claims.

While the Americans with Disabilities Act makes it generally illegal for employers to consider an employee's health as a condition of employment, it is virtually impossible for a job applicant to know whether the prospective employer considered health information, which is widely available in databases and often in personnel files.

The consequences of this trend are that as private companies seek to hire younger, healthier employees with healthy dependents, those who are older, sicker, and have children with medical or emotional problems will find themselves clustered at nonprofit and government jobs, or at smaller businesses that have no coverage. "There's been a lot of traffic of higher risk employees from the private sector into public-sector jobs," says Dr. Caplan.

Even healthy employees are affected by the underwriting process. Virtually all employers hire benefits consulting firms and medical cost-containment companies to analyze the claims filed by employees, to tell employers what types of claims are costing the most money.

Armed with this knowledge, employers are shifting more costs to employees, by redesigning their benefits packages to increase co-payments and deductibles.

They also are restricting access to care, by excluding pre-existing conditions and other conditions, and by introducing caps on coverage. For example, employers with many professional married employees in their 30s and 40s are dropping fertilization treatment and capping what they pay for Caesarean deliveries.

Further, many employers are creating different risk pools among their employees. Those who smoke, are overweight, have high blood pressure or other health risks pay higher premiums.

## A TRIBUTE TO FRIENDSHIP HEIGHTS ON ITS 80TH ANNIVERSARY

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mrs. MORELLA. Mr. Speaker, I would like to take this opportunity to congratulate the Village of Friendship Heights, MD, on its 80th anniversary. Friendship Heights is aptly named, a fine model of an American community epitomized by its sense of community, its special spirit, and its dedication to community service. The village is widely known for its beautiful village center: a focal point for the arts, for civic discourse, and for continuing education for all its citizens. It is also recognized for the pastoral Hubert H. Humphrey Park.

Friendship Heights was incorporated as a special taxing district in 1914 and, in 1973, residents received the right to vote in village elections. Friendship Heights has always been an informed community; its residents have remained knowledgeable about legislation and other issues affecting the community.

At this year's celebration on July 4, Jane Lawton will receive the Elizabeth Scull Outstanding Community Service Award. Ms. Lawton, currently serving as special assistant to County Executive Neal Potter, has devoted much time and energy to the people of Montgomery County. I would also like to extend my congratulations to Dr. Alfred Muller, Mayor of Friendship Heights, and to the members of the Village Council: Frank Valeo, Melanie Rose White, Saul Goldberg, Patricia Forkan, Martin Kuhn, and Eric J. Ellman, as well as to the Village Manager—Leslie Strathmann. They have provided outstanding leadership to the village.

If history is any guide, the people of Friendship Heights will continue to enrich Montgomery County and the State of Maryland through their commitment to community participation and service. I am proud to serve as their Representative in the Congress of the United States.

## HEALTH CARE REALISM

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. OBEY. Mr. Speaker, Avrum Lank, business columnist for the Milwaukee Sentinel, recently wrote a column which makes clear that a requirement for universal health coverage is the key to reforming our flawed health care system.

His column is sensible, frank, and blunt. I commend it to any Member of Congress who believes we can achieve true reform without a requirement for universal coverage.

[From the Milwaukee Sentinel, June 27, 1994]

## MANDATES KEY TO REFORMING FLAWED SYSTEM

(By Avrum D. Lank)

We don't always do what is good for us, or even what the law requires.

Those truisms should be remembered as Congress heads into the homestretch of the health care insurance reform debate this week.

One of the biggest bones of contention in the discussion is whether employers should be required to buy insurance for their workers, or whether the workers should be required or encouraged to do so themselves.

This is a silly argument.

Unless there is a universal employer mandate to provide insurance, the reform will be a sham.

If you find that hard to believe, consider automobile insurance.

In 41 states and the District of Columbia, not including Wisconsin, there is an individual mandate to buy auto insurance.

To register and drive a car you must have insurance. That's the law.

But in all of those states, coverage is far from universal, according to a February report by the Insurance Information Institute, New York City.

In Maine, for example, 15% of drivers go without insurance.

In Florida, 31% of drivers flout the law, in Washington State, 8% to 12%.

The report notes:

"Many people are uninsured not out of a desire to defy the law but because they lack the financial assets to comply."

It continues:

"The National Association of Insurance Commissioners, which studied the issue of compulsory auto insurance, suggests that strict enforcement of the law, with mandatory and 'significant' fines for first-time offenders, may be the key to lowering the uninsured motorist population."

On the evidence of automobile insurance then, an individual mandate to buy health insurance will fall to provide anything near universal coverage unless Congress wants to go to the extreme of sending violators to jail or fining them severely.

Now you might say, "so what."

If a person does not want to buy health insurance, that is their choice. In this nation, no one should be forced to spend money for something he does not want.

But that viewpoint is wrong, because in the United States today if an uninsured person gets sick, he will get treatment and everyone else will get the bill.

Again a comparison to automobile insurance helps in understanding this.

Many people who buy automobile insurance pay an additional premium for so-called "uninsured motorist coverage." This protects them in case they are involved in an accident with someone who has chosen not to have automobile insurance.

This subsidizes uninsured drivers in the same way health insurance premiums are raised to pay for treatment of uninsured patients. It is just that the extra health insurance premium is not labeled "uninsured patients coverage."

In both cases, the responsible members of society are paying for the choices of those less responsible.

The only way to restore fairness is to require universal coverage.

But we have seen with automobile insurance that just requiring universal coverage is not sufficient to right this wrong.

Given the mandate to buy their own auto coverage, people still drive around uninsured.

So compulsion is required.

And in our nation, we compel compliance with many things through the work place.

Income tax withholding is the best example I can think of.



There are other advantages to having employers involved in providing health insurance for their workers.

Per capita, group policies are less costly to administer than are individual policies. And businesses are in a better position to negotiate prices than are individuals.

So let Congress argue over other parts of the plan—how much to subsidize premiums of less-profitable businesses, how much workers might be asked to contribute directly to premiums, exactly what a policy must cover.

But decide quickly that a universal employer mandate must be part of any real reform of the health insurance system.

Because we don't always do what is good for us, or even what the law requires.

Sometimes, we must be compelled.

## HUMAN RADIATION EXPERIMENTS

### HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. KENNEDY. Mr. Speaker, the Clinton administration and the Department of Energy Secretary Hazel O'Leary, in particular, are to be commended for launching their investigation of the Government's role in the human radiation experiments which started in the late 1940's. The Advisory Committee on Human Radiation Experiments has been established to investigate these concerns and consider the need for compensation to the victims.

In my efforts to find an equitable settlement for those unjustly exposed to radiation during these experiments, I have been presented with a proposed compensation model, "Calculating Compensation for Radiation Victims Based on a Retrospective Probability Analysis," by Robert Gary, one of the most knowledgeable and experienced litigators in the field. Mr. Gary has represented approximately one-third of all radiation related cases tried in the United States, including the class-action suit of 200,000 service personnel exposed to atomic radiation at the Nevada Test Site in the 1950's, and 600,000 people from the four counties surrounding Three Mile Island during the nuclear accident there.

From his extensive study of the issue, Mr. Gary has devised the following model, which I recommend for consideration by my colleagues and members of the Advisory Committee on Human Radiation Experiments.

#### CALCULATING COMPENSATION FOR RADIATION VICTIMS BASED ON A RETROSPECTIVE PROBABILITY ANALYSIS (By Robert Gary, Esq.)

Let us examine first the concept of a doubling dose, since that is the way the biological effects of ionizing radiation are currently measured and described. A doubling dose is that amount of radiation which will double the natural incidence of a certain kind of harm in a population. For example, if we have 100 test subjects and the natural incidence of cancer is 17%, then if we expose that population to one doubling dose of radiation, instead of getting 17 cancers in that population, over time, we will get 34 cancers in that population over time.

If the doubling dose is 150 rems of radiation, then one doubling dose will double the baseline figure for the occurrence of the harm to which that doubling dose applies. A

second doubling dose would add another increment equal to the baseline figure. For example, 300 rems, two doubling doses, would produce an occurrence level of  $34 + 17 = 51$ , and 450 rems, three doubling doses, would produce an occurrence level of  $34 + 17 + 17 = 68$ . If there were no doubling doses, i.e. no special radiation exposure, there would be an occurrence level of 17 which is the natural or background incidence.

The biological effects of special radiation exposures have traditionally been expressed in terms of the probability of future harms occurring, or the number of future harms that can be expected to occur, as results of a specific known level of special radiation exposure. For example, if 100 mice are exposed to 150 rems of radiation each, in a special exposure, then 34 of them will develop harms consistent with radiogenic origin, instead of the 17 that would have done so without the special radiation exposure. We are looking forward from the point of the known special radiation exposure, and projecting anticipated effects in the future caused by the known special radiation exposure. This is known as a prospective probability analysis since it is looking forward from the point of exposure.

But the question that Congress has to address is: Is this patient's condition the result of a special radiation exposure he/she is known to have undergone in the past? This requires a retrospective probability analysis projecting backward from the known present harm to the known past radiation exposure and asking, "What is the probability of causal connection?"

For purposes of the argument presented here, we must know that the patient received a special radiation exposure, and we must know the number of rems received. Given these variables, a retrospective probability analysis will help us to fairly compensate radiation victims.

We start with a thought experiment. The kind of harm that will be considered is major birth defects. The baseline incidence for these is approximately 10%. Scientific papers including The Biological Effects of Ionizing Radiation Report, (1972 Edition and all subsequent editions, suggests that the doubling dose for major birth defects is approximately 150 rems. If a human population is exposed to 150 rems, and each member becomes one of a pair of parents, (assuming the other parent is not part of the exposed population); and if each pair of parents has one child, we would expect 20 children with major birth defects instead of 10. In other words the occurrence of the specific harm, major birth defects, is doubled, by the administration of the doubling dose to one parent in each parent pair.

The child is the one that comes before the Judge or the Congressperson, and the question is, "What is the probability that the child's birth defect was caused by the special radiation exposure his/her father or mother received?"

The doubling dose was administered, in this thought experiment, so the incidence went up from 10 to 20. One of those 20 is in the office. The subcategories within the 20, those who would have had a major birth defect without the special exposure of their parent, and those that have the defect because of the special exposure of their parent are completely indistinguishable. They are indistinguishable in principle, unalterably, and because of the laws of quantum physics. But plainly the probability is  $P=.50$  that our patient's major birth defect was caused by the special radiation exposure. This will always be true if exactly the doubling dose is

received. Half of the 20 were caused by the special radiation insult, so, *ceteris paribus*, each of the 20 has a 50% chance of being a victim of that special radiation insult.

Prospectively, right after the exposure, each exposed parent only had a  $P=.20$  probability of having a child with a major birth defect. How can the prospective probability be  $P=.20$  while the retrospective probability is  $P=.50$ ? The prospective probability is based on just doubling the baseline incidence (10 goes to 20 so  $P=.20$ ) but the retrospective probability is based on the attributable proportion out of the known injured population (10 out of 20 so  $P=.50$ ).

Let  $P_b$  represent the baseline probability.

Let  $P_r$  represent the part of the total risk as elevated by a special radiation exposure which is attributable to that special radiation exposure.

Let  $P_t$  represent the total risk as elevated by a special radiation exposure.

It follows that:

$$P_t = P_b + P_r$$

and

$$P_r = P_t - P_b$$

In general  $P_r$  may be calculated using the following formula:  $P_r = P_b [(100/D)(x) + 100] - 100$ .

Where  $x$  = the number of rems in the special radiation exposure, and

Where  $D$  = the doubling dose for the kind of harm being considered

Say the client is a cancer case and was exposed to 75 rems.

$P_b$  for cancer is about .17 (according to the literature), and doubling dose will be taken as 150 rems for purposes of this calculation. We want to find  $P_r$  which we'll call the probability of causal connection.  $P_c = P_r/P_t$ .

So we start out finding  $P_r$ :  $P_r = .17[(100/150)(75) + 100] - 100 = .2550$

Now we find  $P_t$ :

$$P_t = P_b + P_r$$

$$P_t = .17 + .2550 = .4250$$

Now,  $P_c$  or the probability of causal connection, is the ratio between the risk attributable to the special radiation exposure and the total risk after elevation by that special radiation insult.

$$P_c = P_r/P_t$$

$$P_c = .2550/.4250 = .6000$$

So the answer is that this patient has a probability of .6000 that his/her cancer was caused by the special radiation exposure specified for this case.

A quick table of  $P_c$  values might be helpful. All values not included on the table can be calculated using the formula and the method outlined.

x	$P_c$
10	.0625
50	.2500
100	.4000
150	.5000
300	.6667
400	.7273
450	.7500

Intuitively it checks out that the doubling dose yields a  $P_c$  of .5000, and we can see that two doubling doses (300 rems) would create an attributable proportion of 2 out of 3 parts or .6667, similarly 3 doubling doses would result in an attributable proportion of 3 out of 4 parts or .7500. We don't need the formula for these obvious cases, but the formula is useful for the less obvious cases like 10 rems or 400 rems.

The literature is not always consistent about what the doubling dose is for a particular kind of harm. If we assume 150 rems

is the doubling dose the expression in the  $P_e$  equation is  $(100/50)x$ , but if we took 50 rems as our doubling dose the  $P_e$  equation would have  $(100/50)x$ , and if 5 rems were the doubling dose it would be  $(100/5)x$ . Similarly if 500 rems were the doubling dose it would be  $(100/500)x$ .

Apart from radiation, there are other toxic agents that have a linear or doubling dose relationship to the harms they cause. These equations will work for all of them and provide compensation guidelines for clients injured by any toxic agent within this broad category which may include Agent Orange, Sarin, and Isomethylcyanide.

In the end we want to convert our  $P_e$  value into dollars because that's what the compensation client is asking for. This is done by taking the Fair Jury Value (FJV) of the injury, assuming no question about causation, and simply multiplying it by the probability of causal connection  $P_e$ .

We put proximate cause on a sliding scale. The question is not, "Is causation more probable than not?" but rather, "How probable is causation?" The more probable causation is the more compensation the alleged victim gets. The darkness that surrounds the causation issue in radiation cases, and which must do so because of the rules of quantum physics, is left unobscured. We will never know, nor can we ever know, who is really a victim of a special radiation insult (unless its an immediately lethal dose). What we are looking for is fairness. We want to provide compensation, but not clean out the Federal Treasury. We want to pay victims, or possible victims, but not provide a windfall to everyone who has been exposed to any amount of any toxic agent. Most important, we want to avoid sending real victims away emptyhanded because they haven't been able to meet the "more probable than not" standard of the *Restatement of Torts, 2d*. The Agency or organization releasing radiation or other toxins should take responsibility for the uncertainties that are inevitably connected with those materials or physical processes. It's not fair to expose people to radiation and then say that the uncertainties which cannot in principle (because of quantum realities) be overcome are a bar to their recovery of damages. The "more probable than not" standard would send about half of the legitimate radiation victims away emptyhanded. The releaser of the radiation would get a windfall by not having to pay any of the claims for lesser radiation exposures when it is quite possible that among those claims are real victims that actually get cancer and die.

It is appropriate to note that Fair Jury Value (FJV) means just that. It's not just medical special damages, but it can include pain and suffering, loss of consortium, loss of earnings, and even an adjustment to compensate for the moral circumstances under which the exposure occurred. An innocent and hapless victim of medical experimentation that violates international law and all peremptory norms of human conduct (i.e. the Nuremberg and Helsinki Accords), might get more in a Fair Jury Value than a similarly injured worker in a nuclear power plant or radiation laboratory. FJV is what fair jury, or administrative panel, would or does award in the state where the claimant makes his/her claim. There legitimately might be federal guidelines for FJV's in cases against the government where the entire compensation scheme arises out of a single piece of Federal legislation.

## TRIBUTE TO DR. STEPHAN L. KAMHOLZ

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Dr. Stephan L. Kamholz a foremost expert in his field, pulmonary medicine. He is applying his skills for the good of his community.

Dr. Kamholz was appointed chairman of the department of medicine of the Health Science Center at Brooklyn in October 1993. He has served on the faculty since 1986 and was named a professor of medicine in 1988. His will deserved appointment as chairman is the culmination of 8 years of service.

Prior to assuming the chairmanship, Dr. Kamholz served as chief of the division of pulmonary medicine at University Hospital and Kings County Hospital Center, and was academic chief of pulmonary medicine at the Brooklyn VA Medical Center. He has also been director of the internal medicine training program since 1991.

Dr. Kamholz is also the author or coauthor of more than 60 scientific articles, as well as numerous abstracts and textbook chapters. He is a fellow of the American College of Physicians, the New York Academy of Medicine, and the New York Society for Thoracic Surgery. He is a member of the association for Academic Minority Physicians, as well as a member of the steering committee of the clinical pulmonary medicine section of the American College of Chest Physicians.

Dr. Kamholz has also been active in direct patient care at New York City Health and Hospitals Corp. institutions including Morrisania City Hospital, North Central Bronx Hospital, and Brooklyn's own Kings County Hospital Center where he has been practicing for the past 8 years.

After earning his bachelor of arts degree from New York University in 1968, he received his doctor of medicine degree from New York Medical College in 1972. He completed his training as an attending physician at the Montefiore Medical Center in internal medicine and pulmonary disease and was an associate professor of medicine at Albert Einstein College of Medicine.

Dr. Kamholz has shown incredible range and expertise in the attending administrative, and academic aspects of medicine. Countless numbers of patients have felt his healing touch. It is with great pleasure that I ask my fellow members to join me in commending Dr. Stephan L. Kamholz, a man dedicated to his work.

## JOSEPH COTCHETT: ONE OF THE NATION'S 100 MOST INFLUENTIAL LAWYERS

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. LANTOS. Mr. Speaker, I rise to bring recognition to Joseph Cotchett of Burlingame,

CA, on the occasion of his being named one of the "Nation's 100 Most Influential Lawyers," according to the April issue of the National Law Journal. The following article from the Hillsborough Boutique & Villager outlines the career that has brought national attention to this champion of the little guy over the big guy. This national attention only confirms what I know personally, that Joseph Cotchett is an exceptional lawyer and a credit to his profession. I offer him my most heartfelt congratulations.

[From the Hillsborough Boutique & Villager, June 22, 1994]

## LOCAL ATTORNEY MAKES JOURNAL'S LIST OF AMERICA'S 100 MOST INFLUENTIAL LAWYERS

(By Heather Hayes)

Joseph Cotchett is one of the "Nation's 100 Most Influential Lawyers", according to the April issue of the National Law Journal. He and 99 other attorneys were selected from a field of 900,000 in the United States.

Cotchett, of Cotchett, Illston & Petrie in Burlingame, has had a law career spanning 30 years, during which he has played a role in some of the most notorious cases in recent history.

He is the man who helped put Charles Keating behind bars in the Lincoln Savings & Loan Association scandal. He represented the animals killed in the Exxon Valdez oil spill.

Cotchett has been heralded as defender of the underdog, something he said he learned growing up in New York. He said he tends to favor the little guy over the big guy.

"I really enjoy that. While learning on the streets, you quickly learned who the bullies were," Cotchett said.

"It was a competitive society. A very, very competitive society," he said of life on Long Island.

Growing up, he always tried to rescue his friends from bullies, which he said had a hand in his preparation for a career in law.

"On the playgrounds of New York, it became quite a trick. You had to do a lot of fast-talking, and that eventually evolved into the law," he recalled.

Cotchett mourns the lack of ethics residing in government and big business, and revels in the fact that our society allows such scrutiny of public officials. He recently brought an action against Pacific Gas & Electric Co. on behalf of all the counties in California, charging the mammoth company with price-fixing.

Cotchett graduated from California Polytechnic, San Luis Obispo as an engineering major in 1959. In 1964, he graduated from University of California, Hastings College of Law.

In 1964, he moved to Millbrae and has lived on the Peninsula ever since.

He said deciding to be a lawyer never came to him in a blinding flash. He realized engineering was "excellent background for law," as it taught him to be a precise thinker. Eventually, he realized what he wanted to do.

"It became clear I was more people-oriented than slide-rule oriented," Cotchett said.

As for the future, Cotchett doesn't seem to have much interest in a judgeship, a move common for renowned lawyers.

"I'm not sure I would be a good judge. I'm too much of an advocate to be good. You have to be less aggressive than my personality," he said.



# THE PASSING OF EDWARD "POP" STEWART

## HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. GILMAN. Mr. Speaker, it is with sadness that I rise to inform our colleagues of the passing of a dedicated Capitol Hill employee and a friend to all.

"Pop" Stewart spent his entire life serving others. He treated all as equals, whether they were heads of state or just an ordinary citizen. His career began in the 1920's at the White House as a waiter and finished in the House Office Building catering operation where he had worked since the late 1960's. It is from his work in the catering service that many of us came to know and appreciate this kind, gentle man.

He was always optimistic and cheerful about life. "Pop" constantly offered kind words and compliments to anyone who was fortunate enough to come into contact with him.

A former New Yorker, "Pop" Stewart was dedicated to his community where he was a lifetime member of the Pigs Club of Washington, the Elks Club, AARP, and the NAACP. As a senior Mason, he was the oldest living member, with over 60 years of service, of Lodge 20, Jefferson Lodge in Charlottesville, VA.

I invite my colleagues to join in extending our heartfelt condolences to "Pop" Stewart's sister, Juanita Stewart Hargrove, his daughter, Annie Harris, and his 8 grandchildren, 21 great grandchildren and 2 great great grandchildren.

# TRIBUTE TO WILLIAM C. MOHRMAN

## HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. HYDE. Mr. Speaker, today, I want to recognize the extraordinary achievements of Bill Mohrman of the Office of Legislative Council who will soon be retiring from his service to this Chamber. One of the finest legislative wordsmiths ever to ply his craft, it is only fitting that our tribute to Bill take the form of a House resolution.

Whereas, over a period of 20 years William C. Mohrman has developed a distinguished reputation for professionalism and excellence. Whereas Bill's creative genius and remarkable drafting skills have generated significant contributions to the body of law governing America's foreign relations.

Whereas, in the face of often unreasonable and intemperate demands, Bill always maintained his equanimity, and unfailingly lived up to our elevated expectations of him.

Whereas, in the most important of all measures, Bill is unquestionably a gentleman of the highest ethical standards whose good nature and humor masked one of the brightest minds in this business.

Therefore, it is the Sense of Congress that—

We today recognize William C. Mohrman and extend to him our deep appreciation and sincere thanks for his fine work, his generous spirit, and his loyal friendship.

I am sure my colleagues on both sides of the aisle will agree that this is one resolution that can be agreed upon by unanimous consent. Thanks, Bill, and Godspeed.

# MELINE KASPARIAN: MASSACHUSETTS EDUCATION LEADER

## HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. NEAL of Massachusetts. Mr. Speaker, I take this occasion to recognize Meline Kasparian of Springfield, MA., for her tireless and unfailing commitment to the field of education. The list of Ms. Kasparian's accomplishments and contributions to the educational system is long and impressive.

Ms. Kasparian's work in education, over the past 25 years, has had an immense impact, and she will continue to be a strong influence in education at both the local and State level for many years to come. Her work in the Springfield School System is well known. Not only is she an English teacher at both Kennedy and Kiley Schools, but she has also been president of the Springfield Education Association since 1987 and was recently elected vice president of the Massachusetts Teachers Association. Besides a career in education, she has also been politically involved in the community as a delegate to the Democratic National Convention in 1984 and 1988.

Her selfless contributions and dedication can be attributed to her parents' strength of character, both of whom survived the Armenian genocide. In addition, it was this strength that also influenced her sister and brother to become educators.

Ms. Kasparian is a courageous advocate for human rights and dignity for people of all races and creeds. She is known as a loyal friend, one who lives by her moral values and convictions. Her integrity has earned her respect and friendship from many renowned authors and artists as well as those less well known.

Ms. Kasparian embodies the spirit of the educator and has extraordinary ability as a storyteller, who comprehends the teaching and learning value of parables. It is this aspect that has given her the capability of molding the future, by being a proper role model for her students.

Finally, I would like to take this opportunity to thank her for all of her efforts. They are much appreciated by the entire community. I am sure she will prosper as the new vice president of the Massachusetts Teachers Association.

# TRIBUTE TO ROBERT K. DAVIS

## HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. TOWNS. Mr. Speaker, I would like to call attention to the special achievements and outstanding hard work of Mr. Robert K. Davis. Mr. Davis has devoted the past 25 years to serving the people of New York in several public service positions in the Lindsay, Beame, Koch, Dinkins, and Giuliani administrations. His retirement this year is a great loss for the community, and he will be sorely missed.

Mr. Davis, in all his posts, has always put the needs of New York families first, especially the children. His numerous achievements include the revamping of the outdated public children's institutions into more efficient local organizations which could better handle the sensitive needs of the community. This was accomplished while Mr. Davis handled the needs of approximately 15,000 dependent, neglected, and abused children in his capacity as the director of institutions and facilities in the department of Social Services, special services for children.

Mr. Davis also played a key role in reforming child development programs as the assistant commissioner for development in the city's agency for child development. He was responsible for establishing standards for the physical facilities of day-care centers and helped in increasing the number of day-care centers from 80 to over 400.

Housing was another area improved under Mr. Davis' authority. Advocating the needs of the elderly and minorities, he facilitated the allocation of rent subsidies for the elderly and promoted the rehabilitation of economically distressed minority neighborhoods.

Mr. Davis has been an advocate for promoting the overall security of residents. He is directly responsible for ensuring the safety of homes by leading the push to remove lead paint in housing units with high lead levels. He also enforced the mandatory installation of window guards where landlords were delinquent and in noncompliance of housing code requirements. He also led a crusade against corruption. In his current position as the housing preservation and development deputy commissioner, Office of Rent and Housing and Maintenance, he revamped inspection procedures to minimize the chance of corruption.

After graduating from Morehouse College, Mr. Davis received a masters in social work from Columbia University. He has put his skills to good use for the betterment of the New York community. Mr. Speaker, I urge my colleagues in the House of Representatives to join me in recognizing the many achievements of Mr. Robert K. Davis.

A TRIBUTE TO THE ST.  
CATHERINE LABOURE SCHOOL

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mrs. MORELLA. Mr. Speaker, I speak today to congratulate the St. Catherine Laboure School in Wheaton, MD upon its recognition as a Blue-Ribbon School of Excellence. This national award shows the school's abilities to nurture and guide its students successfully. The leadership, educators, and organization of this school are truly exemplary.

A Catholic parish supported school, St. Catherine Laboure seeks to enhance each child's life spiritually and academically. The student population unites students from 52 countries and who speak 24 different languages; the school stresses appreciation of this wonderful diversity. Children in pre-kindergarten through eighth grade are constantly challenged to develop strong work habits and a dedication to higher learning.

Under the leadership of Sister Mary Gilbert, D.C., Principal, and the Sisters of Charity, St. Catherine Laboure School prides itself on flexible, cooperative educational practices. Implementing hands-on learning, the computer technology has been continuously updated so that all students can benefit. New programs and adaptations to the curriculum are a constant concern; a Homework Assistance Program, a CD-ROM machine, and a gifted and talented program have been added this year to help students reach their potential.

The school's efforts to involve the community and parents reflect the important of unity in creating a successful environment. Parents volunteer their time and resources generously for the benefit of students and staff. An open door policy of site-based management gives everyone at the school access to the principal and policies of St. Catherine Laboure.

I commend the effort of the school to improve the lives of each student. Enrichment and guidance serve as the keys to the future; St. Catherine Laboure School winningly combines its resources to achieve great success. Mr. Speaker, I am proud of the achievements of the students, parents, teachers, and administrators at St. Catherine Laboure School and wish them continued success for the future.

A TRIBUTE TO IVYMOUNT SCHOOL

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mrs. MORELLA. Mr. Speaker, I rise in recognition of the Blue Ribbon Award given to the Ivymount School in Rockville, MD, my Congressional District. This national award focuses on schools of remarkable leadership, vision and vitality. It is my pleasure to congratulate the faculty, students, and parents at Ivymount on this prestigious award. Ivymount continues its high standards of excellence, receiving this award for the second time in 5 years.

Ivymount serves the greater Washington area, concentrating on those children with developmental, physical, and emotional disabilities. Director Shari Gelman, Assistant Director Lillian R. Davis, and a nurturing staff provide a quality education to students whose needs cannot be met in the public school system. Ivymount works as a nonprofit day school for children referred from public schools.

Catering to each child's individual needs, the school's administrators nurture the personal growth of each student. Counselors, therapists, doctors, and special education teachers combine resources to best serve each child. The ultimate goal of Ivymount is for students to build independence in preparation for life in the community.

Beyond caring for students, Ivymount serves parents and the community at large. Support for the families of Ivymount students through counseling, medical consultations, and other available resources helps them provide for each child's future. Ivymount offers numerous programs for the benefit of the community. Sharing the school's knowledge and experience helps all those in the area of special education.

I commend Ivymount School's dedication to serving those most in need with conscientious and dedicated service. Schools like Ivymount provide much needed leadership and support. It is a great pleasure to recognize Ivymount for their continuing success.

GERA: MORE THAN JUST A TOWN

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. BARCIA of Michigan. Mr. Speaker, I rise today in celebration of the Centennial of Gera, MI. This small community has a great sentimental value to the people who reside in it. Having a neighbor in Gera means more than just someone living next to you; it also means friendship. This grand event will take place on July 3, 1994.

This small town has quite a history. There is a possibility that Gera would not even exist today if the railroad would have been built through the town of Frankenmuth as originally planned. Frankenmuth refused to have the railroad run through town because they were concerned about the adverse influences that the railroads were thought to attract. Today Gera welcomes the railroad as the very reason for its existence. The railroad line was built in 1881 and was placed in operation on February 21, 1882. Originally the first sign placed at the depot read "Frankenmuth Station." In 1894 Frank Gilbert advised the railroad company that it should rename the station. The company officially did so on April 23, 1894. It was renamed Gera, after a town in Germany, and as they say "the rest is history."

Currently, there are 40 residents within official city limits. However, since Gera has a reputation for being more than just a town, 500 people consider themselves a part of the community. I am very excited to share in the celebration of the Centennial of Gera. I urge all my

colleagues to wish the people of Gera the very best.

GANG THAT COULDN'T GIVE  
SHOTS STRAIGHT

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. DUNCAN. Mr. Speaker, the column below shows how big government can screw up almost anything, and how even programs that sound good on the surface can end up hurting the very people who were supposed to be helped.

I call this column by Robert Goldberg to the attention of my colleagues and other readers of the RECORD.

[From the Wall Street Journal, June 20, 1994]

GANG THAT COULDN'T GIVE SHOTS STRAIGHT

(By Robert Goldberg)

By its own account the Clinton administration regards carrying out the Vaccine for Children program as a "dress rehearsal" for health care reform. If so, the show will close before it ever opens.

There has not been a social program in recent history so badly flawed as Vaccine for Children. The administration's initiative is based on misleading information about immunization levels in the U.S. It is determined to create an entitlement even though immunization rates are at record levels. At a time when local health officials have more free vaccine than they can use, it is spending money to set up a government-run delivery service of unknown cost and questionable utility. Ignoring calls to delay the program, the administration has arrogantly dug in its heels to carry out a campaign pledge that borrows against our children's future and spends against their needs.

SIN OF OMISSION

Originally the administration proposed buying up all childhood vaccines. Health and Human Services Secretary Donna Shalala told Congress that immunizations should be a right, just as access to water and other public services is a right. There were only three problems with Ms. Shalala's statement: Water is not free; immunizations, with rare exceptions, are affordable; and vaccination rates are high. Of course, Ms. Shalala never mentioned that a \$200 million federal program already allows any child to receive free vaccines at local health clinics.

The administration maintained Vaccine for Children was necessary to meet a goal of immunizing 90% of all preschoolers with DPT (diphtheria, pertussis, tetanus), polio and measles vaccines by the year 2000. At a congressional hearing the secretary said: "The United States has one of the lowest immunization rates for preschool children compared to European countries." Yet Ms. Shalala used 1985 immunization measures for DPT, polio and measles even though 1992 information was available.

While the outdated survey showed that slightly over half of all preschoolers were immunized, the 1992 immunization survey in Ms. Shalala's possession showed rates of nearly 80%. And 1993 data showed that the nation had largely met the goal of a 90% immunization rate. In fact, Walter Orenstein,



the director of the Centers for Disease Control and Prevention's National Immunization Program, noted at a recent Senate Appropriations Committee hearing: "Immunization levels among preschool children are the highest ever."

Congress killed the Clinton plan to buy up all childhood vaccines and provide them to rich and poor alike. Instead Vaccine for Children will cover the poor, Medicaid patients, the uninsured and the "underinsured"—an amorphous category that includes anyone whose health insurance does not cover shots. To get the free vaccines, all people need to do is show up at public health clinics and "assert" they have no coverage. Further, Vaccine for Children would go out of existence when health care reforms added immunization to a standard benefits package. Citing these assumptions, the Congressional Budget Office estimated that the program would cost \$430 million over five years.

Congress assumed and the administration said that private vaccine companies would distribute the government-supplied vaccine. But the price controls the government imposed on vaccines to meet the CBO estimate left no margin for paying delivery costs. Therefore, the Department of Health and Human Services decided to set up its own distribution system. The rush to fulfill a campaign pledge now threatens to compromise the nation's vaccine supply.

First, HHS wanted the Veterans Administration and the Defense Department to operate a vaccine depot system for the program. The offer was rejected: Both agencies were getting out of the vaccine and medical distribution business; two government studies showed that private companies distributed health care products more cheaply and efficiently.

With only two months remaining before vaccines are supposed to be shipped, HHS has gotten the General Services Administration to create a new distribution system. However, GSA lacks both the infrastructure and experience to move hundreds of millions of fragile and highly sensitive biological products safely on a tight schedule and under strict Food and Drug Administration requirements. What GSA does have is space in a New Jersey warehouse now used for storing paint solvent, where the administration plans to store up to 40% of the nation's entire childhood vaccine supply.

The warehouse lacks the private vaccine industry's state-of-the-art distribution systems, computer equipment and managerial expertise for handling and accounting for every single dose of vaccine according to complicated FDA safety guidelines. For example, the Centers for Disease Control states that it will save time and money by packing different vaccines in the same container. The problem is, different vaccines can't be shipped and stored in the same way without jeopardizing their safety. Oral polio vaccine must be shipped frozen, while others must be kept at temperatures between 2 degrees and 8 degrees Celsius. Not even the Clinton administration can change the laws of physics.

Further, by creating another level of bureaucracy, HHS is adding to the already significant amount of waste and spoilage that already results from the handling of vaccines by state and local public health programs. HHS is in such a panic to distribute the vaccines that it is discouraging states from tracking and accounting for vaccine deliveries, despite the fact that the FDA would shut down a private company that neglected those duties. States are planning accordingly: Recently Illinois told the Centers for

Disease Control that it was ordering 25% more vaccine in anticipation of waste under Vaccine for Children.

There is a real danger in storing so much vaccine in one place. A catastrophe is not out of the question. In May 1992, the Illinois public health service's supply of Hepatitis B vaccines was stored in a meat locker with carcasses. Blood and other matter was found dripping over the vials, contaminating the entire lot. In Washington, D.C., refrigeration in the District government's central vaccine warehouse broke down. The warehouse lacked a backup system, and 23,000 doses of measles vaccine—a year's supply for the entire District—was lost.

#### 'WE HAVE ENOUGH'

Worst of all, the administration is diverting funds to the warehousing scheme at a time when public health officials insist they have plenty of free vaccine. State and local health officials such as F.E. Thompson of the Mississippi State Department of Health note: "We have enough vaccine. . . . What we do not have enough of is nurses to give it, clerical staff to track the children, and outreach workers to bring them."

In fact, a number of states, including Arkansas, have told the Centers for Disease Control that the Vaccine for Children program will actually hurt immunization efforts by taking time and staff away from their own vaccine initiatives. The Centers for Disease Control is understaffed and cannot keep up with the state and local health officials' demand for technical assistance.

Appeals to delay or scrap Vaccine for Children have been ignored. Instead, HHS is working overtime to get deliveries going by August. The Clinton administration will probably throw some operation together so it can claim victory. But in fulfilling a campaign pledge, it will fail to improve the lives of children.

### MILITARY OFFICERS WAITING ON THE PRESIDENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. SOLOMON. Mr. Speaker, the White House is yet again scurrying to explain why uniformed military officers were used as waiters at last week's Democratic Party soiree for 650 donors. According to Saturday, June 25th's issue of the Washington Post, a White House official said the officers are overreacting at expressed embarrassment. "They shouldn't be so sensitive," the official said. Sensitive. Perhaps officers are sensitive to the fact that American soldiers will live and die upon the orders of a Commander in Chief who fails to display any understanding of the military.

This continuing poor treatment and disrespect of military officers is yet another prime example of how the Clinton Presidency views the military. Does President Clinton think that officers sworn to defend the Constitution of the United States are best used to hand out hors d'oeuvres and white wine. Perhaps we should explain to the President that military service doesn't mean the service of platters.

This administration continues to belittle the importance of our military's mission. If our Commander in Chief, who lacks any military

experience, thinks that our uniformed military officers' time is best maximized waiting tables then we indeed have reason to be concerned.

[From the Washington Post, June 25, 1994]

FROM WHITE HOUSE OFFICERS TO AIDES-DE-CANAPES

(By Ann Devroy)

The White House on Tuesday night was Looking for a Few Good Waiters. And now White House officials say, somewhat red-faced, they meant no disrespect when they temporarily transformed uniformed military officers into canape passers.

With a commander in chief who lacks military service and has been accused—along with his aides—of insensitivity to the military, the Clinton White House worked overtime yesterday to explain what probably would and did go unnoticed in prior White Houses.

As best as can be determined, military aides assigned to a Democratic Party soiree for 650 big donors, scheduled to be held under a tent in the White House Rose Garden, were pressed briefly to join the domestic help serving hors d'oeuvres because a storm forced the party indoors.

One of the White House military social aides said yesterday that such duty was humiliating: "We are military officers, not waiters." The aide went on to say that it was "embarrassing to us and should be embarrassing to the president" to have uniformed officers who are in the White House to represent the uniformed services fill in for the waiters and waitresses.

But a White House official who was at the reception said the aides are overreacting. "Everyone was pitching in when the party was moved," he said. "They were just asked to pitch in too. They shouldn't be so sensitive just because they're in uniform."

Neel Lattimore, a deputy press secretary, said the sudden shift of the party indoors resulted in White House senior staff aides and others helping out. "We also asked the assistance of the military social aides. This was meant to be a team effort" in which no disrespect was intended, he said.

Chief White House Usher Gary Walters said he recalled "several other occasions" in previous administrations where the social military aides helped out in emergencies.

Two types of military aides work at the White House. There are the officers from each service who are the president's military aides, traveling with him and carrying the nuclear codes and performing other such duties. And there is a rotating group of about 40 young, single officers selected by the services to represent the best of their military branches to work for at least one year at the White House in a variety of protocol and social duties.

### TRIBUTE TO HENRY LEGASPI

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. HUNTER. Mr. Speaker, I rise today to honor the retirement on June 30, 1994, of an outstanding citizen in my district, Mr. Henry Legaspi. Hank Legaspi is finally turning out the light as manager of the power department of the Imperial Irrigation District in the southern California desert.

A native of Calexico, CA, the transborder sister city of Mexicali, Mexico, Hank has continued the remarkable legacy of the Legaspi

family's commitment to community service. Along with his brothers' many years of civic and public service, Hank has added his own 4 years, in several different capacities as an employee and a manager at the IID, one of the largest public utilities in the country.

Through his leadership at the IID, the district has gone through a period of rapid growth, moving from a small, local customer base to become a provider of electric service throughout the southern California desert reaching from the Arizona and Mexican borders to the lush club of Palm Springs.

I know I speak for the countless friends of Hank's and mine in the Imperial Valley in thanking him for his energy, drive, and sense of pride that he brought to the IID—a legacy to be honored for those who remain and those who will follow.

#### TRIBUTE TO CARL B. STANKOVIC

#### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to recognize Carl B. Stankovic, and the men of the Eighth Armored Division Association. These brave men served in Company B of the 78th Medical Battalion during World War II.

The men of Company B will be celebrating their 45th annual convention reunion in King of Prussia, PA. Along with their families, they will be engaging in a week of festivities taking them through the Fourth of July weekend. The 78th Medical Battalion acquired the reputation for excellence in their assistance and treatment of wounded officers. The battalion is proud that not one officer's life was lost while tending to the injured and evacuating them from the front lines.

This unique group of veterans should take pride in their versatility at having been able to transfer their successes from country to country, as they traveled through England, France, Belgium, Holland, Germany, and Czechoslovakia. They coined themselves the Thundering Herd, which undoubtedly refers to their unfaltering strength while traversing vast countryside.

The great sacrifices made by those who served in World War II have resulted in the freedom and prosperity of our country and in countries around the world. The responsibility rests within each of us to build upon the valiant efforts of these soldiers, so that the United States and the world will be a more free and prosperous place. To properly honor the heroism of our troops, we must make the most of our freedom secured by their efforts.

We will be forever indebted to our veterans and their families for the sacrifices they made so that we could be free. Mr. Speaker, I ask you and my colleagues to join me in saluting the men of the 78th Medical Battalion, Company B as they observe the 45th anniversary of their battles for freedom.

#### THE VIOLENCE AGAINST WOMEN ACT

#### HON. KAREN SHEPHERD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Ms. SHEPHERD. Mr. Speaker, last Wednesday night in Salt Lake County, Deolyn Oliver was brutally shot and killed, leaving behind three young children. When police arrived, they found her husband standing in the doorway, speaking to his lawyer on the telephone. Salt Lake County officers had been called to her home five times over the past 7 months. When asked, the only thing her youngest child could say was that "his mom won't ever have to hurt again."

Last year, 19-year-old Tiffany Despain of Salt Lake was ruthlessly raped three times at knifepoint by her 22-year-old ex-boyfriend after he had repeatedly violated court restraining orders. Despite Despain's numerous complaints to the police, the attacker had only received warnings and before being arrested, he attempted to run Tiffany off the road. Tiffany Despain had to flee the State for her protection.

What happened to Deolyn Oliver and Tiffany Despain are not unique incidents. These women are only two of thousands of women every year who face fear and violence in the very place where they should feel safe—in their own homes.

Mr. Speaker, I urge my colleagues to join me in passing the strongest Violence Against Women Act possible. It may be too late for Deolyn Oliver, but there are many, many more women out there whose lives could be saved by the swift action of this body.

#### THE WELFARE INNOVATION AND EMPOWERMENT ACT OF 1994

#### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. ANDREWS of New Jersey. Mr. Speaker, on behalf of myself, Mr. WELDON, and Mr. KOLBE, I wish to introduce the "Welfare Innovation and Empowerment Act of 1994."

This bipartisan welfare reform bill is distinctly different. It would give the people closest to our welfare problems—those at the State and local level—the authority to develop solutions that make the system work better for those who rely on it and those who pay for it.

Our objectives under the bill are simple. We want to unleash our Nation's best problem solvers—our Governors, mayors, and county officials—to develop innovative programs for moving people from welfare to work. We want to empower low-income individuals to save money and invest it in their own futures. And, we want to strengthen families.

The Welfare Innovation and Empowerment Act of 1994 will do the following:

Grant States the authority to consolidate various streams of Federal welfare funding—AFDC, Food Stamps, Medicaid, housing assistance, child care assistance, et cetera—for

the purpose of converting these funds into wages or other benefits provided to individuals and families participating in welfare-to-work programs.

Create a streamlined, one-step process for State waiver requests necessary to implement welfare-to-work demonstration programs.

Enable low-income individuals to save money for education, microenterprise development, first home purchase, and other select uses, without losing their welfare benefits.

Remove or modify current provisions of law that weaken families and perpetuate welfare dependency.

We believe that this bill will create an environment where State and local innovation will flourish and welfare recipients will be given their best shot at achieving self-sufficiency.

#### HONORING THE CATSKILL'S ENTERTAINMENT HALL OF FAME

#### HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. HINCHEY. Mr. Speaker, I would like to bring to the attention of this Chamber the Catskill's Entertainment Hall of Fame's newly chartered museum building in Loch Sheldrake, NY. On June 30, 1994, the museum will open with its inaugural exhibit, "The Impact of the Catskills." This exhibit will feature the works of Al Hirschfeld and of several playwrights, comedians, actors, and musicians who helped define the Catskill's entertainment experience.

One of the goals of the Catskill Entertainment Hall of Fame is to collect, preserve, and interpret for the general public the unique history of entertainment and vacationing in the Catskills and its continuing impact on American culture.

The likelihood of this new museum having such an impact on the area's cultural outlets is both exciting and commendable. Mr. Speaker, I ask that this Congress assembled today join the people of the Hudson Valley in honoring the Catskill's Entertainment Hall of Fame's board of trustees who are giving both their time and experience to better the cultural scope of the Hudson Valley for tomorrow.

#### LONG TRUCKS: TAKING A TURN FOR THE WORSE

#### HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. BOEHLERT. Mr. Speaker, I would like to share with my colleagues an article that appeared in the May 1994, issue of *Progressive Railroading* magazine. This article was written by a professional civil engineer and concerns the ability of long trucks to negotiate right turns. The article makes both a mathematical point and a public policy point, and I think it would be good for the Congress to review both.

The math point is that single tractor trailer trucks longer than 53 feet, today's standard,



cannot physically negotiate the right turn at most intersections without either running up over the curb or pulling out well into the oncoming lane of traffic. In both cases the required maneuver is dangerous to pedestrians and motorists and, in the case of curb encroachment, causes expensive damage that is paid for by local taxpayers. Today, more and more States are allowing 57-foot trucks, and there is an active movement to increase that length to 60 feet.

The public policy point is that by ignoring this simple fact today, we in Congress are inevitably creating an expensive and dangerous situation from which it will be hard, if not impossible, to extract ourselves once all the longer trucks have been built.

Sometimes we in Congress overlook the obvious, and I think this is just one of those cases. The article follows:

**LONG TRUCKS: MAKING A TURN FOR THE WORSE**

(By Bryan Haight)

There is a huge disconnect in the government's transportation policy and no one is paying attention to it, least of all, the government. On the one hand, government at every level is attempting to control spending and improve highway safety. On the other hand, it is allowing a steady increase in truck lengths that causes expensive damage to local roads and poses an increasing danger to automobile drivers and pedestrians.

The main problem with longer vehicles is simply this: trucks with single trailers greater than 48 ft. in length cannot make a right turn at most local intersections without either running over the curb on the right or encroaching into the oncoming lane of traffic on the left. Trucks, themselves, advertise the problem with the rear-end sign we have all read while sitting behind them at a light: "Danger, this truck makes wide right turns."

Government policy makers are contributing to this problem in two ways. First, individual states are allowing a steady increase in permissible truck lengths, and the federal government is doing nothing to stop them. Congress required states to accept 48-ft. trailers in 1982 and trailer lengths have grown dramatically ever since. Today 48 states allow 53-ft. trailers, 11 states have moved onto 57 footers, and a coalition called NR 60, standing for "No Restriction, 60 Feet," is pushing for an additional increase.

Second, individual states are expanding the distance that such extra-long trucks are allowed to travel off the main interstate system. Today 19 states allow unlimited travel off the interstate, three states allow between 10 and 20 miles of travel off the interstate road and 16 states allow between one and five miles. If you allow those vehicles to travel within a five-mile radius of interstate exits, you are allowing them unrestricted access to the majority of the local intersections in most metropolitan areas.

As an engineer by trade, I have studied this problem in great detail. And while I'm sure some of the working engineers in government transportation departments have done the same, the message does not appear to be getting through to the policy makers that this relentless march to larger and longer vehicles needs to be stopped.

The major problem with these long trailers is a phenomenon known as "offtracking." Simply put, offtracking is the degree by which the rear wheels fail to follow the path of the front wheels when making a turn on a

local road. Offtracking to the right destroys curbs, light fixtures and sign posts. More important, it poses a serious threat to pedestrians standing on the curb. Offtracking to the left poses a hazard to oncoming traffic.

The most serious and common result is the so-called "rolling guillotine" effect that occurs when the rear of a trailer hits the oncoming automobile during the turn, with the underside of the trailer shearing off the roof of the automobile.

Two respected groups the American Association of State Highway and Transportation Officials (AASHTO) and the Transportation Research Board (TRB), have made detailed mathematical studies of this problem. Today the typical local intersection has curb radius of between 15 and 40 ft. and traffic lanes of no more than 12 ft. wide. Aggregating the data used in both the AASHTO and TRB studies, I prepared a table summarizing which trucks can make turns without overrunning the curb or encroaching into an oncoming lane. As the table shows, the typical intersection cannot accommodate the lengths we have today, let alone the increases that are being sought. Indeed, in its 1989 report, Providing Access for Large Trucks, the TRB recommended that all states be encouraged to adopt a maximum trailer length of 48 ft. in order to minimize the serious consequences of offtracking.

In my own state of Wisconsin, the state Department of Transportation began a study of this problem in 1989. While confirming the above data, the study also addressed what compensatory measures could be taken by truck and automobile drivers at intersections that cannot accommodate these longer trucks. One of the study's conclusions is referenced in the TRB Access study and bears repeating: "The results of the research to date indicate that, subject to traffic volumes, right-turning trucks can negotiate turns by taking advantages of gaps in the oncoming traffic \* \* \*". As a motorist, that gives me very little comfort.

**INCREASING ROAD TAXES**

Last year the federal government insisted on a gasoline tax increase of 31 percent because it claimed it did not have enough money to maintain the nation's roads. It is wrong for the government to be raising money from taxpayers to repair roads while at the same time allowing activities that dramatically increase those repair costs. If I ran my business that way, I would be fired.

To politicians, this may seem a highly technical issue with financial ramifications that cannot be easily quantified. In reality, it's really quite a simple mathematical issue—trucks over 53 ft. cannot make the turn without taking out the curb or encroaching into the oncoming traffic lane. Congress can change the law to allow longer trucks, but they can't repeal the laws of physics.

If Congress chooses to ignore the numbers, I hope they will at least consider the human factor. If it hasn't already happened somewhere, it is only a matter of time before school children standing on a curb are injured or killed by a truck that can't make a turn without encroaching on the curb. The time to limit that risk is now by putting a stop to this mad rush toward ever increasing truck lengths.

**COMMENDATIONS TO MR. RICHMOND LAWSON SMITH**

**HON. H. MARTIN LANCASTER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. LANCASTER. Mr. Speaker, I would like to bring to your attention the remarkable efforts of an outstanding young American, Mr. Richmond Lawson Smith, who has reached the rank of Eagle Scout in the Boy Scouts of America.

In order to fulfill this tremendous accomplishment, a young man must earn a total of 21 merit badges including first aid; citizenship in the community, nation, and world; communications; emergency preparedness or lifesaving; environmental science; personal management; physical fitness, swimming, or sports; and camping. Richmond, a member of Troop 342 in Raleigh, NC, has earned not only the necessary number of merit badges, but also several more. He is also the recipient of such honors as the Arrow of Light, World Conservation Award, the God and Country Religious Award, and the Boy Scouts of America Philmont Scholarship Award presented by the American Legion of North Carolina.

One additional requirement for an Eagle Award is the completion of an approved service project benefiting the candidate's religious institution, school, or community. Richmond Smith chose to help out the Inter-Faith Food Shuttle, which receives, stores, and distributes food to organizations who feed the needy and homeless. Richmond designed, constructed, and installed shelves in a cold storage locker for the food shuttle.

Outside of his active life as a member of the Boy Scouts of America, Richmond served as cocaptain of the Millbrook High School tennis team in Raleigh, and was named to the Capital Five All-Conference Academic Team. He is also a member of the Saint Andrews Presbyterian Church Youth Group and holds a part-time job at the Raleigh Racquet Club.

Mr. Speaker, I invite you to join me in expressing my commendations to Richmond Lawson Smith, clearly an outstanding young man.

**OPENING OF THE 13TH ANNUAL CONGRESSIONAL HIGH SCHOOL ART EXHIBITION**

**HON. LOUISE MCINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Ms. SLAUGHTER. Mr. Speaker, as chair of the Congressional Arts Caucus, it was my great honor today—along with 279 of my House colleagues—to open the 13th annual Congressional High School Art Exhibition, "An Artistic Discovery." The result of high school competitions in Members' Districts, the exhibition showcases the enormous creativity and artistic talent of young people throughout the country.

Since the start of the competition, more than 600,000 students have participated in this outstanding undertaking. All of us on Capitol Hill

are indebted to the student artists for brightening and beautifying the passageway from the Cannon corridor to the Capitol and sharing their vision with us. I encourage my colleagues to take the time to view each of the winning works this year, as they form a truly amazing and vibrant panorama of the hearts and minds of America's youth.

We were very pleased this year to welcome one of America's most popular young actors, Dean Cain, who spoke movingly to the students present. In addition, we paid special tribute to House Republican Leader ROBERT H. MICHEL—who played a crucial role in establishing the exhibition and in supporting the project throughout the years—as well as James D. Johnston, vice president, industry-government relations for General Motors, who has consistently ensured General Motors generous sponsorship of the exhibition opening.

I submit for the RECORD the statements of the participants in the ribbon-cutting ceremony of "An Artistic Discovery," as well as a list of the House Members who participated in this year's competition along with the names of the winning artists from their districts.

#### OPENING REMARKS: CONGRESSIONAL HIGH SCHOOL ART COMPETITION

(By Louise McIntosh Slaughter)

As Chair of the Congressional Arts Caucus, it is my great pleasure to welcome all of you to this spectacular event—the opening of the Thirteenth Annual Congressional High School Art Exhibition.

For what has now been thirteen years, Members of Congress have sponsored local high school art competitions, involving talented young people, arts educators, families and local business and community leaders. Each year, we in the Capitol are treated to a panorama of outstanding artworks and are overwhelmed not only by the talent contained in the works, but by the vision and humanity which they express.

Congress can truly be proud of this bipartisan effort to recognize and encourage the arts and education throughout the country. Every student benefits from involvement in the arts. And, as we have seen, schools across the country and we as a society are greatly in need of programs which teach our young people the self-expression, discipline and creativity gained through the arts. Through this project, we are also helping to discover the next generation of outstanding American artists.

There are a countless number of people who have worked hard to make "An Artistic Discovery" such a success. Speaker of the House Tom Foley and Republican Leader Bob Michel—who we will be paying special tribute to shortly—have been steadfast supporters and participants in this project throughout the years. In addition, the 279 Members of Congress who conducted contests—the largest number of participating Members to date—and their staffs deserve much praise. We are grateful to George White, Architect of the Capitol, and his staff in facilitating this professional exhibit. We would also like to recognize General Motors for providing both resources and guidance for more than a decade. In addition, this opening ceremony could not have happened without the generosity of American Airlines, The Coca-Cola Company, Eskimo Pie, Nabisco Association, and the Snack Food Association.

NBC Television has also contributed to the success of this project through the person of

Willard Scott and the Today Show. We hope all of you will tune in to tomorrow morning's show when Willard showcases this competition and some of the student artists.

Special recognition must go to Dean Cain, truly a "Superman," who has flown across the country to be with us here today—in a plane I might add.

Most importantly, though, we wish to thank the student artists themselves for sharing their enormous talent with us. We celebrate you today—your creativity and vision.

It is a privilege now to introduce Speaker of the House Tom Foley, who has once again generously agreed to join us in opening this Exhibition.

#### REMARKS AT THE OPENING OF AN ARTISTIC DISCOVERY

(By Thomas S. Foley)

I am both pleased and honored to be speaking to you today as a part of this celebration. I cannot emphasize enough the importance of art in our society, particularly in the development of our youth, so it is with great pleasure that I welcome each of you here today.

Art is a vital part of our society, a part that cannot be undervalued, particularly in the education of our youth. Art is not merely a diversion; it is a timeless requisite for the continuance of creativity and vitality in a society.

We on Capitol Hill take great pride in the Congressional High School Art Competition. It successfully celebrates the talent and creativity of students around the country and at the same time emphasizes the importance of nurturing these talents. I urge each of you to continue to foster your artistic talents. As you go on to make your life decisions, never relinquish that spark, that creativity which brought you here today. As Oliver Wendell Holmes Jr. once said: "Life is painting a picture, not doing a sum."

It is a joy to see the talent that is represented here today. Everyone on Capitol Hill takes great pride as we view and show our guests and visitors these art-works throughout the year. They speak volumes about our culture; they represent the families which support their children throughout their endeavors; they represent the talent that is innate in everyone, whether it is expressed artistically or not; they represent the ingenuity of the young mind that so readily surfaces when given a proper outlet; they represent a nation that takes pride in its diversity.

Again, I welcome each of you here today for this celebration. We are here today to celebrate you, the students and the families, and your efforts. I extend a further welcome and thanks to Dean Cain for taking the time to speak today and show his support for this endeavor.

#### REMARKS FOR HON. ROBERT H. MICHEL'S AWARD

(By James J. Jeffords)

Today, on the opening day of the annual high school art exhibition, it is my honor to bestow the Congressional Arts Caucus Award on a man who has played a crucial role in this competition. Not only was Republican Leader Robert Michel's support and unyielding commitment vital in bringing this competition to fruition 13 years ago, his continuing dedication to this event, through the participation of his district in the competition every year since its inception, is a tribute to his unyielding commitment to

the exhibition and, more importantly, to the involvement of young people in the arts.

Leader Michel has played a direct role in the development of an entire generation of young artists. Over 600,000 high school students from all over America have participated in this competition since it began in 1982. The success of this and previous exhibitions is due, in large part, to his leadership.

We are pleased today to pay tribute to Leader Michel and to let him know that he will be sorely missed.

#### REMARKS BY ROBERT H. MICHEL

Thank you very much for this honor. I would like to extend my warmest welcome to each of you today and congratulate you all on making this year's art competition the largest in the history of the event.

I have always been proud to support this art competition in the high schools of my own congressional district in Illinois. I would like to especially congratulate the student winners. Once again, I am astounded and pleased by the wealth of your artistic talent, skill, and vision. Your works will provide inspiration throughout the coming year.

I would also like to extend my thanks to all the proud parents and teachers here today. Your commitment to nurturing the artistic talents of these young people is crucial. We may be standing amidst the next Andrew Wyeth or Georgia O'Keefe in part because of our devotion.

Events like this embody the success of partnerships between the private and public sectors—businesses like General Motors, our congressional offices, art teachers, parents, and students. I commend your continued commitment and leadership in making the arts a vital part of education, community life, and our national cultural legacy. Enjoy the festivities today, for I know we will reap the benefits of your efforts all year.

#### PRESENTATION OF CONGRESSIONAL ARTS CAUCUS AWARD TO JAMES D. JOHNSTON, VICE-PRESIDENT, INDUSTRY-GOVERNMENT RELATIONS

(By Hon. Louise M. Slaughter)

Just this morning, we learned that Jim Johnston will be retiring from General Motors. Jim has been a tireless friend of the Congressional High School Art Exhibition, and, for this, we would also like to present him with the Congressional Arts Caucus Award, which reads: "Jim Johnston, who, through his unwavering dedication to the Congressional High School Art Exhibition, represents the best in the private and public partnership of arts support for America's youth."

#### STATEMENT OF JAMES D. JOHNSTON, VICE PRESIDENT, INDUSTRY-GOVERNMENT RELATIONS, GENERAL MOTORS CORP.

For 13 years, General Motors has participated in the Annual Congressional Arts Competition and I've had the pleasure of attending all of them in one capacity or another.

Frankly, it is the best day of the year for us. It's the day when everyone seems to have a good word for GM.

But, more than that—it's a day that brings to this Capitol—thanks to the members of Congress who sponsor the artists—some of the brightest and most promising young people in America.

On behalf of the 380,000 General Motors people from all over America, I want to thank the 150 students here today. I want to thank you for what you have done that got you here to Washington. And, more importantly, I want to thank you for what that means you can do in the future.



# INTRODUCTION OF DEAN CAIN (By Louise McIntosh Slaughter)

We are delighted today to welcome one of America's most talented and popular young actors and, to many, many viewers, a true superhero—Dean Cain. Dean has achieved critical praise and audience adulation in his role as Clark Kent and Superman on the hit ABC television series "Lois and Clark: The New Adventures of Superman."

Dean is actually a young man with many talents. As an All-American football player at Princeton University, Dean still holds the NCAA record for most interceptions in one season. After graduation, he became a professional football player with the Buffalo Bills. When a knee injury sidelined him, one might say that football's loss was the acting world's and our gain.

Dean has guest starred on many television series, including "Life Goes On," "A Different World," and "Beverly Hills 90210." On the big screen, he was seen in the critically acclaimed feature film, "The Stone Boy," directed by his father, Christopher Cain.

A true Renaissance man, Dean is also an accomplished writer with a burgeoning screenwriting career, including the development of television project entitled "Naked TV."

I might add that Arts Caucus Members met Dean briefly in Los Angeles and he is an articulate spokesman for giving young people the chance to develop their diverse interests.

We are pleased and grateful, Dean, that you can be here with us today.

## REMARKS BY DEAN CAIN

It is truly an honor to be here with all of you today. I'd like to thank Congresswoman Slaughter, Senator Jeffords, Speaker Foley, Minority Leader Michel, and all the members of the Congressional Arts Caucus for asking me to take part in this day.

This creativity that each of you, the winning students, have put into your artworks is simply overwhelming. Each work is impressive on its own. Viewed in its entirety, the Exhibition is a powerful statement on the talent, thoughtfulness and ingenuity of high school students across the country.

But, I think this competition also shows the phenomenal results that can be gained when students are given the opportunity to pursue what interests them, to let their talents and their special abilities develop. It doesn't only have to be art. It can be science, music, writing, math, volunteering—truly anything. For me, the key was athletics. My involvement in sports helped me develop an individuality, to grow as a person, and, more importantly, learn the necessity of working with others to achieve goals.

Supporting programs like this Competition goes beyond just giving young people something to do, which, in many cities and many areas of the country is important in itself. It has to do with giving someone a sense of self, a pride in themselves that they will build on and carry with them the rest of their lives. Out of this self-awareness not only comes individuals who care about themselves and the community and world around them, but the artists, the athletes, the Nobel Prize Winners—even the Congresspeople of tomorrow.

Looking at the artwork displayed today is simply amazing. There is such talent and ingenuity displayed in each of these works, I can only wonder what the future holds for each of you. I can imagine that in a decade it will be I who tells the story of when I met you.

Again, thank you for letting me be here today to speak to you and to meet each of

you. And, congratulations to all the artists, and their families, and the members of Congress who helped make this happen.

## RIBBON CUTTING REMARKS (By James M. Jeffords)

Please join me as we cut the ribbon to officially open the 13th annual high school art competition. This year's exhibition, the largest ever, profiles some of our country's most talented and promising young artists. Each year, it acts to remind us here in Washington of the importance of the arts to all Americans, especially our youth.

Whether inspired by the encouragement of an arts teacher, a family member, or from within yourselves, you have expressed your individualism through your paintings and even more, addressed important issues for us all. While some of this year's works portray strikingly realistic people and settings, others demonstrate the power of art to convey abstract images and ideas. It is this diversity of talent and creativity that speaks very strongly to the importance of encouraging our schools and communities to give young Americans the opportunity to pursue the arts.

Through this competition, we in Congress recognize your pursuit of excellence in the arts. On behalf of my colleagues, I congratulate you all and hope that you will continue to creatively express yourselves through your art.

## 13TH ANNUAL CONGRESSIONAL HIGH SCHOOL ART COMPETITION—PARTICIPATING MEMBERS AND WINNING STUDENTS

Alabama: Spencer Bachus, Michael Dailey, Tom Bevill, Tyler Landers, Glen Browder, Eun-Jin Suh, Sonny Callahan, Darius A. Bailey, Bud Cramer, Jr., Megan Gregory, Terry Everett, Jeremy Bagents, Earl Hilliard, Francesca Clark.

Alaska: Don Young, Josh Smart.  
American Samoa: Eni Faleomavaega, Mary Hansen.

Arizona: Sam Coppersmith, Joshua White, Jim Kolbe, Ermalinda Gallardo, Ed Pastor, Santiago Perez Espinoza, Bob Stump, Ben Loefer.

Arkansas: Tim Hutchinson, Jennifer Birge, Blanche Lambert, Jeremy Rabuck.

California: William Baker, Victoria Livingston, Xavier Becerra, Rommel A.N. Cantal, George Brown, Jr., Heather Ryberg, Ken Calvert, Van Sengchanh, Randy Cunningham, Peter Kim, Ron Dellums, Carly Helgeson, Calvin Dooley, Joe Lela, David Dreier, Holly Lueras, Anna Eshoo, Alexander Vladimirov, Sam Farr, Buddy Perry, Vic Fazio, Eric Schmid, Bob Filner, Eric Tan, Jane Harman, George Amador, Michael Huffington, Kirsten Munson, Jay Kim, Ann Kim, Tom Lantos, Simon Jenner, Richard Lehman, Ryan Delp, Bob Matsui, Oanh Truong, Al McCandless, Hugo Gonzales, Howard McKeon, Ken Barnett, Nancy Pelosi, Pegrine Lannin-Honig, Richard Pombo, Dariene Stoecker, Lucille Roybal-Allard, Fabian Debora, Pete Stark, Christopher Gatmaitan, Bill Thomas, Clifford I. Picar, Esteban Torres, David Seymour, Walter Tucker, Patricia Walker, Lynn Woolsey, Nikki Tognetti.

Colorado: Joel Hefley, Landon Meier, Scott McInnis, Sunny Harrison, Dan Schaefer, Matt Schrott, David Skaggs, Frank Lee.

Connecticut: Rosa DeLauro, Lesley Holford, Cary Franks, Kelly J. Benoit, Chris Shays, Bethany Shorb.

District of Columbia: Eleanor Holmes Norton, Craig E.R. Hall.

Delaware: Michael Castle, Jim Hoover.

Florida: Michael Bilirakis, Katarzyna Guzinska, Charles Canady, Anne Oldham, Tillie Fowler, Kerry Dunn, Porter Goss, Leslie Morrison, Alcee Hastings, Rebecca Frank, Earl Hutto, Stacey Mack, Bill McCollum, Jessica Tseng, Carrie Meek, Carlos Reyes, John Mica, Jina Kim, Dan Miller, Sam Dean, Peter Peterson, Reginald Harris, Ileana Ros-Lehtinen, Fernando Valero, Cliff Stearns, Troy Biggers, Karen Thurman, John Austin, C.W. Bill Young, Janine Duffy.

Georgia: Sanford Bishop, Brandi Myatt, Michael Collins, Malika Randall, Buddy Darden, Melissa Crawford, Don Johnson, Yolanda Bloodsaw, John Kingston, Heather Roach, John Lewis, Justin Winslow, John Linder, Trevor Green, Cynthia McKinney, Charles Atkinson, J. Roy Rowland, Elizabeth Shuman.

Hawaii: Robert Underwood, Lawrence Pendon.

Hawaii: Neil Abercrombie, Naomi Rombaoa, Patsy Mink, Janet Agapay.

Idaho: Mike Crapo, Alexa Filanowicz, Larry LaRocco, Star Suezoo.

Illinois: Cardiss Collins, Ted Burdett, Jerry Costello, Tina M. Seay, Phil Crane, Kristen Melby, Lane Evans, Courtney Blake, Harris Fawell, Devin O'Neal, Dan Manzullo, Eric Borchardt, Robert Michel, Janelle M. Allen, John Edward Porter, Matthew Beall, Glenn Poshard, Corey Evard, Mell Reynolds, Paul Winkfield, Dan Rostenkowski, Katherine Bennett, Bobby Rush, James Dixon.

Indiana: Dan Burton, Emily Mayhill, Steve Buyer, Emily Gottschalk, Lee Hamilton, Shannon Grassman, Jill Long, Matt Knecht, Frank McCloskey, Jason Davis, John Myers, Amy Norman, Tim Roemer, Jennifer Harney.

Iowa: Fred Grandy, Rachel Martin, Jim Lightfoot, Ashley Elizabeth Hagan.

Kansas: Dan Glickman, Jessica Evans, Jim Slattery, Erin Carlson.

Kentucky: Tom Barlow, Jerry Hobbs, Jim Bunning, Angie Palmer.

Louisiana: Richard Baker, Megan Hudson, Jimmy Hayes, Joshua Nero, William Jefferson, Betty Molette, Bob Livingston, Nicole Chauvin, Jim McCrery, Darin Coats.

Maine: Tom Andrews, Matthew Everett Herrick.

Maryland: Helen Bentley, LaShawna Nicole Wright, Ben Cardin, John Mancini, Wayne Gilchrest, Michael Cain, Steny Hoyer, Beth Monet Trott, Kweisi Mfume, Emmanuel Brown, Connie Morella, David Ward, Albert Wynn, Joseph Mbeh.

Massachusetts: Peter Blute, Sean O'Connell, Barney Frank, Katharine Tristano, Joseph Kennedy, Emanuel Silva, Richard Neal, Ben Glushien, John Oliver, Camille Maye, Gerry Studds, Jill Jordan, Peter Torkildsen, Jeffrey Ostergren.

Michigan: James Barcia, Jon R. Gajewski, David Bonior, Kate Kershiser, Dave Camp, Ji Yoon, Bob Carr, Julie Lucas, Barbara Rose Collins, Raquel Saez, John Dingell, Bess Beland, Peter Hoekstra, John Hartman, Joe Knollenberg, Janet Kemf, Sandy Levin, Matthew Stewart, Nick Smith, Steven R. Perry, Bart Stupak, Heather Dehlin, Fred Upton, Amy Mosler.

Minnesota: Tim Penny, Kevin Langmaack, Collin Peterson, Scott Surdez, James Ramstad, Doan Ly.

Mississippi: Mike Parker, Kelby Lamar Shows, Gene Taylor, Terri Garner, Bennie Thompson, Daniel Saffold.

Missouri: Pat Danner, Jennifer Giesler, Bill Emerson, Carrie Samples, Dick Gephardt, Jenny Wong, James Talent, Claire Bossert.

Montana: Pat Williams, Justin Clark.

Nebraska: Bill Barrett, Christina Lund, Doug Bereuter, Eric Wendt, Peter Hoagland, Christopher Ginn.

Nevada: Jim Bilbray, Orlando Ilustrisimo Jr., Barbara Vucanovich, Billie Scott.

New Hampshire: Dick Swett, Patrick Rolins, Bill Zeff, Sara O'Connor.

New Jersey: Bob Franks, Pallavi Sharma, Dean Gallo, Karen Nancy Menkens, Herbert Klein, Stephen Reinfort, Robert Menendez, Martin Sanchez, Frank Pallone, Dena Mindick, Don Payne, Melissa James, Chris Smith, Mariya Gusev, Richard Zimmer, Ryan Capple.

New Mexico: Bill Richardson, Elisa Rivera, Steven Schiff, David Ondrik.

New York: Gary Ackerman, Anthony Ogg, Sherwood Beohler, Beth Anne Ross, Hamilton Fish, Elizabeth Bettini, Floyd Flake, Richard Polanco Ben Gilman, Xenia Diente, George Hochbrueckner, Hae-Jin Jo, Amo Houghton, Tiffany Anne Dynda, Peter King, David Andrew Felice, Rick Lazio, Barry Gamble, David Levy, James Ashley, Nita Lowey, Bob-Sil Kim, Michael McNulty, Jessica Renaldi, Carolyn Maloney, Kathryn Van Pelt, Thomas Manton, Ji Eun Kim, Jerrold Nadler, Jeeyoung Sim, Major R. Owens, Stephen Mills, Jack Quinn, Allen Hardy, Charles Rangel, Sara Theophall, José Serrano, Carlos Cordero, Louise Slaughter, Michael S. Fickess, Ed Towns, Hong Gyu Lee.

North Carolina: Eva Clayton, Varick Taylor, Howard Coble, Dena Light, Martin Lancaster, Lori Weaver, Stephen Neal, Kim Speight, David Price, Greg Hoffman, Charlie Rose, Cory Barton, Charles Taylor, Eric Sams, Melvin Watt, Nichole Montgomery.

North Dakota: Earl Pomeroy, Paul Novak. Ohio: Doug Applegate, Sara Giles, Tony Hall, Nicholas Fuhrer, Dave Hobson, John Hull, Martin Hoke, Jennifer Homick, Marcy Kaptur, Demond Saunders, David Mann, Amy L. Viars, Deborah Pryce, Jan Warren, Ralph Regula, Robin Boswell, Louis Stokes, William Hernander, Ted Strickland, David Jewell.

Oklahoma: Bill Brewster, Jerry McCraw, Jim Inhofe, Korena Bolding, Ernest Istook, Nathan Green, Dave McCurdy, Jamie Cruz.

Oregon: Elizabeth Furse, Becky Kading, Mike Kopetski, Maricela Zaragoza.

Pennsylvania: Lucien Blackwell, Preston Kennon, Tom Foglietta, Danny Lam, George Gekas, Melissa Clark, Bill Goodling, Matt Markovich, James Greenwood, Jeff Kronberger, Marjorie Margolies-Mezvinsky, Lori Leddy, Paul McHale, Maribeth Kradel, Austin Murphy, Tom Oziembrowsky, John Murtha, Susan Michelle Grela, Tom Ridge, Elizabeth Benson, Rick Santorum, Danielle Graham, Curt Weldon, Matt Metzger.

Puerto Rico: Carlos Romero-Barceló, Alex Irizarry Oquendo.

Rhode Island: Ron Machtley, Laura Vaillancourt, Jack Reed, Jason P. Audet.

South Carolina: James Clyburn, Richard W. Kirk III, Bob Inglis, Ronnie Jackson, Floyd Spence, Stephanie Lyford Watts, John Spratt, Misty Yates.

South Dakota: Tim Johnson, Emily French.

Tennessee: Bob Clement, William P. Brown, John Duncan, Jason Dickason, Harold Ford, Michael Pittman, Marilyn Lloyd, Devin Van Winkle, John Tanner, Bryan D. Moore.

Texas: Bill Archer, Brian Heiburg, Joe Barton, Chad Forsyth, Ronald Coleman, Diana Corral, Tom DeLay, Nora Torres, Martin Frost, DeNarcus T. Miles, Pete Geren, Christine Garver, Gene Green, Raul Martinez, Ralph Hall, Steven Novak, Eddie Bernice Johnson, Cesar Diaz, Greg Laughlin, Nathan Lee Post, Solomon Ortiz, Michael Elizalde, J.J. Pickle, Valerie Zelinski, Bill Sarpalis, Nicole Davis, Charles Stenholm, Jason

Trussell, Frank Tejeda, Cody Cunningham, Craig Washington, Brian Jackson, Charles Wilson, Steven Kessinger.

Utah: Jim Hansen, Nathan Goodwin, Bill Orton, Randy Topham, Karen Shepherd, Julie Parr.

Vermont: Jim Jeffords, Stephen Dube, Bernie Sanders.

Virgin Islands: Ron de Lugo, Mark Milligan III.

Virginia: Tom Bliley, Terry A. Overholser, Rick Boucher, Eric Ball, Leslie Byrne, Ann Saliski, Bob Goodlatte, Monica Jones, James Moran, Cuong Phan, Owen Pickett, Carl Roughton, Robert Scott, Amy Ridgway.

Washington: Norman Dicks, Katherine Raby, Jennifer Dunn, James W. Mullin, Thomas Foley, Jamie Lynne Benedixen, Mike Kreidler, Shaun Peterson, Al Swift, Jason Wang, Jolene Unsold, Jason Grangroth.

West Virginia: Alan Mollohan, Bobby Cartwright, Nick Rahall, Tara Chavez, Bob Wise, Aaron Hill.

Wisconsin: Gerald Kleczka, Brad Weigel, David Obey, John Wolfe, Toby Roth, Kimberly M. Koch.

Wyoming: Craig Thomas, Jacob Bower.

## INTRODUCTION OF THE WASTE FLOW CONTROL ACT OF 1994

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation which authorizes State and qualified local government entities to regulate and manage the collection, transport, and disposal of their municipal solid waste. While local governments have exercised this authority for approximately two decades, and while Congress has presupposed this function for local governments, waste flow control authority has never been explicitly granted. My bill remedies that shortfall.

I would like to take this opportunity, Mr. Speaker, to offer my heartfelt thanks and deep appreciation to Mercer County, NJ county executive Bob Prunetti without whom this legislation would not have been possible. County Executive Prunetti assembled a team of top-notch environmental attorneys including Dave Brooman who provided crucial technical expertise in crafting this measure. I would also like to express my gratitude to the many waste management experts and local government officials, like Somerset County freeholder Mike Pappas who, as president of the New Jersey Association of Counties, successfully advocated the principles embodied in this bill and won statewide support for the same. The New Jersey Governor Whitman's office and the Department of Environmental Protection and Energy have offered insight as well.

The Waste Flow Control Act of 1994 is a response to the Supreme Court decision in *C&A Carbene versus Clarkstown*, New York in which the Court undermined the use of waste flow control measures by State and local government. Specifically, the bill provides a broad grandfather for all waste flow control laws, ordinances, provisions, related contracts, and solid waste management plans that had been in effect prior to the Court's decision. Further-

more, it explicitly grants States and localities the authority to flow control all residential municipal solid waste generated within the borders of the State or locality in the future. The Waste Flow Control Act of 1994 also strengthens the public comment and competitive bidding procedures for future waste management plans.

Mr. Speaker, approximately 28 States have adopted waste flow control ordinances over the past 20 years. These direct initiatives simply designate waste disposal and treatment facilities to which all municipal solid waste generated within the localities borders must flow. These facilities—which can include landfills, waste-to-energy systems, composting or sludge treatment plants, incinerators, and transfer stations—are generally part of an integrated waste management plan, necessary to meet public health, safety, and environment needs in a responsible manner.

Mr. Speaker, to fund the safe, sound, and environmentally progressive technologies as well as the successful recycling programs which the public rightfully demands, States and localities have relied upon resource recovery bonds. The key to securing these bonds has always been flow control in one form or the other. Only by ensuring that there will be a steady flow of waste to the facilities at a determined tipping fee can the local government assure Wall Street that the venture is worthy of investment.

Mercer County, for instance, has developed a solid waste disposal plan which hinges on the construction of a waste-to-energy facility in Hamilton Township. The county has gone to great lengths to secure general public approval and to ensure that all relevant environmental standards are met or exceeded. Financing, however, depends on the sale of up to \$200 million worth of resource recovery bonds. In light of the recent Supreme Court decision, however, sale of these bonds has been put on hold and the preliminary construction deadline of July is unlikely to be satisfied. Not only is the county's highly successful curbside recycling program threatened; but also the waste management plan as a whole. Furthermore, county taxpayers face the prospect of additional taxes or reduced services to fulfill contract requirements for bonds already sold.

Burlington County faces a similar situation regarding its proposed sewage sludge composting plant. The plant is estimated to cost \$70 million and the county has already borrowed \$46 million from the State Wastewater Trust. However, financing is based on the assurance that sewage sludge from all 40 municipalities in Burlington County would be treated at the plant. Without this guaranteed revenue, the county may be forced to accept sludge from outside the county—thus breaking a longstanding promise to Burlington residents—or hike disposal fees which would inevitably mean higher local property taxes.

Without waste flow control, the management and disposal of municipal solid waste becomes a free-for-all with large hauling conglomerates searching for the cheapest but not necessarily the safest means of waste disposal. Only with our State or local governments at the helm can we be certain that the



Nation's goals of protecting our environment, health, and safety will be met effectively and cost-efficiently long-term. Furthermore, without waste flow control, the burden for waste management would fall directly on the already overburdened taxpayer.

Neither raising taxes nor resorting to lower environmental, health, and safety standards can be acceptable solutions to the problem raised by the Carbone decision.

Congress has, on several occasions, implied that States and localities have the authority to manage resource recovery through waste flow control ordinances. In the Resource Conservation and Recovery Act of 1976 [RCRA] the Congress authorized "State and regional solid waste plans" to "assist in developing and encouraging methods for the disposal of solid waste which are environmentally sound" [42 U.S.C. § 6941].

Furthermore, in 6943(a)(5) or RCRA, Congress expanded on the parameters of these plans, ensuring that State and local governments not be "prohibited under State or local law from negotiating and entering into long-term contracts for the operation of such facilities." The House report, in reference to this specific section, states that "this prohibition, on State or local laws invalidating long-term contracts, is not to be construed to affect State planning which may require all discarded materials to be transported to a particular location \* \* \*." [H.R. Rept. No. 94-1491, p. 34 (1976)].

In the Solid Waste Disposal Act Amendments of 1980, Congress authorized the Environmental Protection Agency [EPA] to provide technical assistance to State and local governments for the "removal or modification of legal, institutional, and economic impediments which have the effect of impeding the development of systems and facilities, for resource recovery." [42 U.S.C. § 6948(d)(3)] Included in the list of obstacles which Congress sought to overcome are "impediments to institutional arrangements necessary to undertake projects \* \* \* including the creation of special districts, authorities, or corporations where necessary having the power to secure the supply of waste of a project."

Mr. Speaker, we have effectively written into law that waste flow control is an acceptable method for States and localities to carry out their responsibilities in resource recovery and solid waste management. However, as Justice Sandra Day O'Connor pointed out in her concurring opinion in the Carbone case, these references by Congress "neither individually nor cumulatively rise to the level of the 'explicit' authorization required by our dormant Commerce Clause decisions." My bill answers Justice O'Connor's call to arms and spells out congressional intent in the letter of the law in a concise, unambiguous, and unmistakably clear manner.

Since the Carbone decision, I have been working closely with many of my colleagues as well as representatives of States, county and local governments, small waste hauling companies, environmental agencies, securities corporations, and bond companies. All have been helpful in providing the input that has been necessary to produce this remedy which will protect the investments of State and local governments and will allow these governing

bodies to continue to pursue their traditional responsibilities in ensuring their citizens' health and safety and the protection of the environment. Furthermore, The Waste Flow Control Act of 1994 is worded clearly, heeding the Court's recommendation and freeing States and localities from endless litigation.

Mr. Speaker, in closing, I would like to stress the absolute urgency with which Congress must address this issue in the remaining weeks of this session. The Carbone decision has left State and local governments high and dry—many with outstanding debt which they have acquired in their effort to meet their waste management responsibilities, some simply without recourse for meeting the needs of their constituents and ours. I appreciate the prompt action and sympathy with which Energy and Commerce Subcommittee on Transportation and Hazardous Materials Chairman AL SWIFT has met this matter and the work of our colleagues, particularly ALEX McMILLAN and DAVID MINGE, who have been actively seeking legislative remedy even in anticipation of a Carbone decision much like that handed down.

The Waste Flow Control Act of 1994 is a sensible approach to a simple problem and I encourage my colleagues to join this effort on behalf of their local governing partners.

H.R. 4603: FISCAL YEAR 1995 COMMERCE-JUSTICE-STATE APPROPRIATIONS

### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1994

Mr. FAZIO. Mr. Speaker, I wish to clarify my position on the Federal Government's responsibility to reimburse States for the costs of incarcerating undocumented felons.

Reimbursement to States for undocumented felon incarceration is an obligation which I strongly support. However, I opposed the amendments that my colleagues, Mr. CONDIT and Mr. ROGERS, offered as mechanisms for paying for these expenses because these proposals were neither reasonable nor realistic.

The first amendment, offered by Mr. CONDIT, would have financed these costs through an across-the-board cut to all programs in this appropriations bill. I did not support this amendment because it would have sacrificed drug enforcement agents, prison construction funds, the Border Patrol, community policing and the Byrne Program—a key element in California's fight against crime—to get up an entitlement program to pay for felons who are here, in this country, illegally, in jail.

Earlier this year, a delegation of law enforcement representatives from my congressional district was here in Washington attending the White House briefing on the crime bill. Immediately following the briefing, these representatives joined me in a private meeting with Attorney General Janet Reno and advised her of their concerns about the pending legislation. At the top of their list was their apprehension about losing their Byrne formula grant funding—funding which had been eliminated from the administration's anticrime proposal.

Without Byrne formula grants, Glenn, Colusa and Yolo Counties would have to do away with their narcotics task forces, leaving these communities wide open to drugs and the violence that accompanies this persistent problem.

In response to this input I, along with my colleague from Michigan, Mr. STUPAK, introduced an amendment which was included in the House anticrime initiative as part of the chairman's en bloc amendment. This sense-of-Congress amendment stressed that Congress must maintain its support for the Byrne component of the anticrime effort. Due to this and similar efforts by other Members of the House, Chairman MOLLOHAN and the appropriations subcommittee provided a substantial increase in Byrne Program funding for the new fiscal year.

The subcommittee also, for the first time, provided funds to reimburse States for the costs of incarcerating undocumented felons by allowing States to use their sizable increases in Byrne funding at their discretion—for anti-drug-abuse strategies, to upgrade their criminal history records, and for the costs associated with incarcerating undocumented felons. Although the subcommittee was not able to provide full and separate funding for the undocumented felon program, pumping substantial increases into the expanded, flexible Byrne Program gives California—traditionally the largest recipient of Byrne funds—\$85 million of the \$804 million in Byrne dollars appropriated for next year.

The second amendment, offered by Mr. ROGERS, cut our U.N. peacekeeping dues in order to fund the undocumented felon program. I opposed this alternative because I realize how critical our investment in U.N. peacekeeping is. Peacekeeping is not charity. It is directly related to maintaining our national security and upholding our political and economic interests.

Our Nation cannot afford to act alone in the world's trouble spots, particularly with our defense budget shrinking. It is also not in our best financial interests to do so. The money that we invest in U.N. peacekeeping operations enables us to get our allies to send their troops into troubled areas, reducing the need for American forces and decreasing the pressure on our defense budget. To the extent that we fail to fund peacekeeping, we must fund peacemaking—our defense budget has to pick up the slack. Our peacekeeping dues therefore protect the billions of dollars that American taxpayers have already invested in our cold war victory.

Over 80 percent of the money requested in this bill for peacekeeping operations was obligated by President Clinton's predecessors. If we renege on these commitments, we will violate our treaty obligations and give other nations an excuse to do likewise. As Chairman OBEY pointed out last night, it is not in our financial interest for us to default on these debts. We can either pay now, or we can pay later. And if we pay later, as the peacekeeper of last resort, the price will be significantly higher. Once we have to resort to military action, the costs are overwhelming.

Having served in the California State Legislature prior to coming to Congress, I am extremely sensitive to our financial problems.

Reimbursement for the costs of incarcerating undocumented felons is critical to California, since we are affected by these costs to a greater extent than any other State. However, I am also aware that our Governor has balanced his budget based on unrealistic assumptions of Federal aid for undocumented felons.

As my colleague from California, Mr. DIXON, pointed out in his colloquy with Chairman MOLLOHAN, the subcommittee has taken an important first step toward full reimbursement of these authorized, but previously unfunded, expenses by providing some measure of assistance to those States that are burdened with the responsibility for our Nation's undocumented felons.

California's \$85 million share of the expanded Byrne program represents an increase of \$47 million—or 125 percent—over this year's funding. And, if the crime bill conferees are able to agree on some level of isolated funding that is specifically targeted toward the undocumented felon program, this figure would increase. Although I realize that full reimbursement for this program may not be likely during this funding cycle, I remain optimistic that, as we continue to work toward providing some significant measure of relief for affected States, we will ultimately achieve full reimbursement for these costs.

#### THE MARINE PLASTIC POLLUTION RESEARCH AND CONTROL ACT AMENDMENTS OF 1994

**HON. WILLIAM J. HUGHES**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. HUGHES. Mr. Speaker, I rise to introduce legislation that would improve implementation of the Marine Plastic Pollution Research and Control Act of 1987. This bill, the Marine Plastic Pollution Research & Control Act Amendments of 1994, is analogous to language introduced in the Senate by my distinguished colleague from New Jersey, Senator FRANK LAUTENBERG.

As many of my colleagues know, I have worked hard throughout my 20 years in Congress to improve the quality of our coastal waters and beaches. In the past, I have successfully sponsored legislation to end ocean dumping of sewerage sludge and to track medical waste to ensure that it doesn't wind up on our beaches as it did in 1988. I am also currently the sponsor of legislation to improve the monitoring of coastal recreational waters.

Marine Plastic Pollution Research and Control Act Amendments of 1994 is a natural counterpart to that legislation, because it seeks to improve the quality of our coastal waters through enhanced procedures for plastic pollution monitoring. The legislation provides the Coast Guard with additional authority and imposes stricter requirements on it, all aimed at improving compliance and enforcement of waste disposal practices aboard vessels and at ports.

An important way to attack the ocean dumping problem is to ensure the presence of adequate waste reception facilities at all ports and

terminals. My bill does this by requiring on site inspection of reception facilities by the Coast Guard prior to issuance of a certificate of adequacy. It also seeks to assure those facilities are maintained by providing for automatic expiration of certificates after 5 years, or sooner if there is a change in operator or if the certificate is suspended or revoked. In addition, the bill prohibits a port from charging a separate fee for waste disposal—a practice that has contributed to problems with compliance because these separate fees are often unpredictable. The bill would require that these fees be included in the docking fee or another obligatory fee, thus making them more predictable.

Should a port fail to comply with the act, this bill authorizes the Coast Guard to assess a civil penalty against a noncomplying port for up to 30 days, after which time the agency must revoke the certificate and close the port.

The bill also addresses similar problems at marinas. My legislation requires the Coast Guard to establish a program to ensure that operators of marinas maintain adequate waste reception facilities. The program's efficacy will be tracked through mandatory biennial reports to Congress.

Unfortunately, the Coast Guard can't do the job alone. That's why the Marine Plastic Pollution Research and Control Act Amendments provides an avenue for citizen involvement. It does this by making available a current list of certificate status at ports and by requiring that ports post placards containing telephone numbers where citizens could call to report any inadequacy of reception facilities. In order to make it easy for individual citizens to report violations, the bill directs the Coast Guard to establish a toll-free telephone reporting system. Furthermore, the bill expands the crew and passenger education requirement to include a structured briefing about the Marpol Convention for everyone on board a ship before disembarkation—perhaps as part of the vessel's safety briefing. The bill would also extend the mandate to conduct public education and outreach on plastic pollution and authorizes USCG, EPA, and NOAA to award grants for carrying out such programs.

Other parts of the Marine Plastic Pollution Research and Control Act Amendments of 1994 would address compliance of foreign vessels with Marpol; states the sense of the Congress that domestic shipping insurance should not provide for the payment of penalties under this act; make whistleblower provisions applicable to employees of DOD, DOT, and DOA, so that Federal employees who report violations of this act are protected; and assure better coordination between DOT, DOD, and DOA to implement this act.

Mr. Speaker, this morning I listened to the new Commandant of the Coast Guard, Admiral Kramek, state that he wanted the Coast Guard to be world leaders in environmental protection. I applaud his vision, and I think the Coast Guard is well on the way to achieving that goal. This legislation fits in well with Admiral Kramek's vision because it will help the Coast Guard to ensure that our coastal waters are free of plastic debris and other garbage.

This bill is supported by the Coast Guard, as well as the Center For Marine Conservation. I hope my colleagues will join with me and those distinguished entities and lend their support to this legislation.

#### RUSSIA JOINS PARTNERSHIP FOR PEACE

**HON. NEWT GINGRICH**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Mr. GINGRICH. Mr. Speaker, I want to take this opportunity to welcome Russia as the newest member of the Partnership for Peace. A free, democratic, and economically strong Russia is in America's vital interest, and this historic moment is a major step in bringing security and prosperity to the world.

The majority of people in Russia are committed to democracy, free enterprise, and change. The Russian people have told us they want to be "normal and civilized," basically America without the violent crime. They truly want the rule of law, the right to own property, contract rights, the right to work hard and keep what they have earned, the right to free speech, and free elections. We have an unparalleled opportunity to work with them to achieve these goals.

Depending on our actions, Russia faces several possible futures. How much we are willing to help is contingent upon what kind of future we want for our children and or grandchildren. It is possible that Russia could slide into an authoritarian dictatorship, and we could return to another cold war with a single identifiable enemy competing for influence around the globe. Or, Russia could collapse into a situation similar to the civil war now occurring in the Balkans, except that nuclear weapons will be involved. But, if we seize this opportunity, there is a chance that we can assist Russia in evolving into a relatively stable, open, and democratic society committed to similar ideals as ours. We gain the benefits of stable political systems, emerging open capitalist oriented markets, and political allies in a very important region of the world. We won the cold war; it is now time to win the peace. The Partnership for Peace is a tremendous step in United States relations with Russia, and I hope that we can continue to build on our successes and work together for a peaceful and more secure world.

#### IN SUPPORT OF STRONG VIOLENCE AGAINST WOMEN ACT PROVISIONS IN THE CRIME BILL

**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 28, 1994*

Ms. PELOSI. Mr. Speaker, I rise today in support of the Violence Against Women Act and join my colleagues in calling for the strongest possible domestic violence provisions to be included in the crime bill conference.

Today, along with other California women Members of Congress, I will be sending a letter to the conferees on the crime bill urging them to accept the toughest provisions of both the House and the Senate versions of the crime bill.

Domestic violence and spousal abuse are among the most common and heinous crimes



in America. Imagine coming home every day to an abusive situation. Imagine living day-to-day with a violent person. Imagine waking up each morning not knowing if you will be able to make it to the next morning without suffering severe bodily harm. Imagine not feeling safe, not being safe, in your own home—not for fear of someone from the outside breaking in, but because you live with someone who threatens your life daily.

This is the tragic reality for many women and many children in our country today. Congress must act to change this situation by clamping down on the criminals who abuse and by protecting the victims of domestic violence. Congress must pass a crime bill which

includes strong violence against women provisions.

The final crime bill must protect battered immigrant women. The House version of the crime bill includes provisions to prevent abusive spouses from using immigration law to control and continue abusing their undocumented spouses. Presently, abused immigrant spouses often cannot escape a violent household because leaving it would result in their deportation. Mr. Speaker, we must correct a system which allows a perpetrator of domestic violence the power to continue abusing because of immigration technicalities.

In addition, I join with my colleagues today in calling for the highest possible funding lev-

els for domestic violence prevention and urge the conferees to recede to the Senate authorization of \$1.8 billion for these purposes. Domestic violence programs must be supported with sufficient funds to combat these crimes.

We cannot afford to lose this opportunity to strengthen domestic violence prevention efforts and toughen the penalties for those who continue to break the law.

Mr. Speaker, I thank my colleague from California, Ms. ROYBAL-ALLARD, for organizing this morning hour on a very important part of the crime bill and I once again urge the crime bill conferees to accept the strongest possible violence against women provisions.